

FIELD OPERATIONS MANUAL

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The procedures in this manual are provided to insure consistency and guidance through out the Commonwealth of Virginia in our Food Safety Program. Additional memorandums and notices (emails) may be inserted in the section pertaining to the subject until such time the specific procedure is modified or added. This manual is subject to change and input from field personnel is strongly encouraged.

Edited August 22, 2002

FIELD OPERATIONS MANUAL

Procedure I-00
NEW

Food Safety Program Voluntary Compliance Approach To Food Safety

LETTER OF WARNING

When significant violations of the Virginia Food Laws are noted on an Inspection Report and the firm is not considered to be in '**substantial compliance**' the firm is sent a letter of warning. On rare occasions, violations will be serious enough that, to expedite correction of conditions, this step may be skipped and a Field Hearing or an Administrative Hearing can be conducted.

A follow-up inspection is conducted within thirty days from the date of the letter.

FIELD HEARING

If significant improvements are not noted on the follow-up inspection, a Field Hearing is conducted. The Field Hearing consists of the Field Supervisor and the inspector meeting with firm management at their establishment to go over the requirements of the Virginia Food Laws and applicable regulations as well as the penalties prescribed in the code that pertain to the violations found during the inspections. During the hearing, we request voluntary compliance.

A follow-up inspection is conducted within thirty days from the hearing date.

ADMINISTRATIVE HEARING

If significant improvements are still not seen, an Administrative Hearing is held for the firm. The Administrative Hearing consists of the Compliance Officer and Regional Supervisor meeting with firm management. During the hearing, the Compliance Officer goes over the violative history of the firm, emphasizing the violative conditions observed during the recent inspections. The Administrative Hearing is a 'show cause' hearing, giving the firm management the opportunity to show any improvements made or planned in an attempt to show why the firm shouldn't be referred to the Commonwealth's Attorney for prosecution. This opportunity to respond to charges is required by section 3.1-392 of the code before any of the prohibited acts defined in 3.1-388 of the code are brought to the attention of a Commonwealth's Attorney. If the firm management presents a reasonable explanation/plan that should remedy the objectionable conditions, the firm is generally given another opportunity to comply with the Virginia Food Laws.

A follow-up inspection is conducted within thirty days from the hearing date.

REFERRAL TO COMMONWEALTH'S ATTORNEY

If significant improvements are still not seen on the follow-up inspection, a case folder is developed establishing a history of the violations, including copies of inspection reports, sample analysis results, pictures, memos and any other pertinent evidence to support the charges made. Proposed charges are also identified. An appointment with the local Commonwealth's Attorney is set with the Compliance Officer and inspector attending. The Compliance Officer explains to the Commonwealth's Attorney the nature of the visit, the food safety program, the voluntary compliance approach, the violative history of the firm and the applicable penalty sections of the law. The Commonwealth's Attorney then decides what approach they will take, generally bringing criminal charges against the firm managers and/or owners. They identify the charges that are supported by the evidence and the Compliance Officer and the inspector proceed to the magistrate's office to attest to the charges.

Injunctions are considered, but only in extreme cases where there is an **imminent** health hazard and there are no other viable alternatives.

The voluntary compliance effort is contingent upon some evidence that serious conditions will be corrected and the potential threat to public health removed. In absence of such evidence, charges may be brought to the attention of the Commonwealth's Attorney more quickly. Examples of these situations include the lack of response to an Administrative Hearing and the denial of entry for the purposes of making an inspection and collecting samples. In the instance of denial of entry, one Commonwealth's Attorney has resorted to the issuance of a search warrant.

The voluntary compliance effort has been successful with getting firm management to correct violative conditions without referral to the Commonwealth's Attorney. Some establishment personnel correct conditions after a Letter of Warning, some after a Field Hearing, and some after an Administrative Hearing. Prosecution is a last resort when all else fails and it too has its effect on non-compliant food establishment managers and owners as most comply after legal action is brought against them. Only seldom is additional legal action necessary to achieve compliance.

Issued new February 2, 2001

FIELD OPERATIONS MANUAL

Procedure I-01

INSPECTOR SAFETY

BACKGROUND

The safety of Food Safety Specialists (FSS) who have establishments perceived to be in a high crime or unsafe areas are of paramount importance to all concerned. Also, serious consideration must be given to the safety of the FSS conducting a home operation inspections/visits. The establishment of this FOM is to provide guidance and requirements for the FSS who have the aforementioned areas in their territories/inventory. This FOM is not intended to replace the use of common sense and sound personal judgement nor is it to suggest that these firms are to be excluded from services provided by this agency.

POLICY

The following basic policy will be followed. Any questions or deviations concerning this issue should be immediately directed to your Regional Manager or Field Supervisor, if the manager is unavailable, or the Central Office, if your Regional or Supervisor, is unavailable.

A. Be alert and fully aware of your surroundings in the establishment and the area outside the firm. This also applies to home operation inspections/visits. All Food Safety Specialists are to dress appropriately so as not to draw undue attention to them.

B. When visiting establishments and it is perceived as being unsafe for whatever reason, an inspection will not be conducted at that time. An Inspection Report will be completed at a later time indicating that you attempted an inspection/visit. The Inspection Report will contain the statement **"Firm appears to be unsafe at this time. Inspection will be rescheduled."** It is suggested that firms, which appear to be unsafe, be rescheduled for the morning hours or rainy days. After two (2) attempted inspections, you will contact your Regional Manager and request that an inspector be assigned to accompany you on the inspection.

In the event that the situation is still unsafe, the matter will be referred to your Regional Manager for disposition on a case by case basis. In order to reduce exposure time in such firms when an inspection/visit is made, the Inspection Report and associated paperwork will be handwritten. Firms perceived to be in a unsafe areas are not to be excluded in any way from the services provided by this agency. Every reasonable effort will be made

to provide services to these communities.

C. At no time will a FSS carry any firearm during an inspection/visit or in their state vehicle unless the individual has a permit to carry a concealed firearm; has specific approval from the Commissioner of Agriculture or his designated representative; and meets all legal requirements and any training VDACS deems necessary.

D. If at any time you have concerns about safety or allegations of sexual harassment, leave immediately and document situation. Contact your Regional Manager to determine the appropriate response.

Issued new August 99

TAMPERING INVESTIGATIONS

1. Upon receipt of a consumer complaint alleging product tampering, the information will be given or telephoned immediately to the Office of Food Safety Tampering Coordinator so that VDACS efforts can be coordinated with FDA and/or local law enforcement authorities. The Tampering Coordinator will work in conjunction with the Regional Manager. The designated Tampering Coordinator is Mr. Jerry Williams, Pager: 804-659-5864, Home phone: 540-955-3514, Email: gwill@crosslink.net
2. The Food Safety Program, Tampering Coordinator will contact the Richmond FDA Office, Phone: 804-379-1627, to determine if they have received the same complaint and to decide which agency will handle the investigation.
3. If VDACS is to handle the investigation, the complaint will be worked within twenty (24) hours.
4. If some of the product in question remains in the possession of the complainant, the Food Safety Specialist (FSS) will visit the complainant and attempt to collect the remaining portion as a service sample. If the complainant does not want to turn the product over to us, the inspector should examine it and include very detailed information/descriptions in his/her report concerning who, what, when, where, and why. DETAILS ARE OF THE UTMOST IMPORTANCE.
5. The service sample will be sent to DCLS with a copy of the inspector's completed RECORD OF COMPLAINT. DCLS will be asked to conduct whatever analyses or examinations of the service sample that are appropriate.
6. The inspector (in conjunction with his/her regional manager, if necessary) will determine whether an official sample of the product in question should be collected or if a field examination of the product at the retailer, distributor or manufacturer is in order. During this visit, the retailer, distributor or manufacturer will be advised that we are investigating a consumer complaint alleging tampering.
7. Samples (both official and service, sent to DCLS as the result of an alleged product tampering incident will be clearly marked **PRODUCT TAMPERING ALLEGED** at the top of the sample collection report or at the top of the paperwork accompanying the service sample.
8. If, during the course of your investigation, there is reason to believe that a food product HAS been tampered with, please

53 advise the Office of Food Safety Tampering Coordinator
54 **immediately**, so that the appropriate law enforcement
55 authorities can be notified. Remember that if this is a real
56 tampering situation, it is a very serious matter and it
57 becomes a law enforcement matter, either from local or
58 federal authorities. Also, the collection of your samples,
59 service or official must strictly follow established
60 protocol.
61

Updated August 10, 2001

FIELD OPERATIONS MANUAL

PROCEDURE I-03
Formerly 024

USE OF OFFICIAL STATE CREDENTIALS

The credentials you have been issued consist of a leather case marked with the Seal of the Commonwealth and the name of the Department, a picture identification card and a badge identifying you as a State Food Inspector. They are distinctive and unique in the Department.

Their use requires a certain amount of responsibility on your part so that it reflects in a positive manner on you, your office and your Department. Remember, you are not a policeman. Do not display your credentials in an overt or aggressive manner. To do so would, invariably, bring criticism on all of us. Your credentials are merely a distinctive method of identification. Display them in the same manner you would any other form of identification, friendly and low key. It is permissible, when working with police, fire and other emergency agencies, to remove the badge from the case and attach it to your clothing if you need to cross fire lines, etc., and be readily identifiable to emergency personnel. Only do this in exceptional circumstances.

The loss of state credentials must be reported to your Regional Manager or the Central Office IMMEDIATELY.

You are responsible for these credentials. They identify you as an official agent of the state. Do not allow them to get out of your possession. In the wrong hands they can cause considerable damage to the image we wish to project.

Revised July 99

FIELD OPERATIONS MANUAL

PROCEDURE I-04
Formerly 005

REFUSAL TO PERMIT ENTRY OR INSPECTION

During the course of your work, an occasion might arise when you are refused entry into a firm or refused the right to make an inspection. In that event you should explain that you have the right to inspect the firm pursuant to state law. If that approach fails, you should get a copy of the Virginia Food Laws and read section 3.1-399 to the person refusing your request. Section 3.1-388, paragraph (e) should then be read to the individual, followed by the penalty section 3.1-390. If you are still refused entry after properly identifying yourself and after reading the above sections of the law, you should telephone the Food Office immediately. This procedure also applies to the refusal to permit the collection of a sample.

Revised July 99

FIELD OPERATIONS MANUAL

PROCEDURE I-05
Formerly 004

PAGER RESPONSE CODES

The following codes and response times should be used when sending and/or receiving a page:

01 - This code is to be used when the person being paged needs to be contacted immediately. The response time for this code is immediately if possible and in no event should the return call exceed 30 minutes.

No Code No code is to be used when the person paging needs to speak to the paged person but it is not an emergency. The response time for this code is immediately if possible and in no event should the return call exceed 2 hours.

Codes are added to the digital phone message by pressing * then the code after entering the phone number. If you want the person to know who is paging you can enter * and then your FDA number after the code. When done, press the pound key (#).

Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE I-06
Formerly 023

DAILY CALENDAR, ADMINISTRATIVE FORMS, WRITTEN REPORTS AND OTHER WRITTEN CORRESPONDENCE

When submitting your required forms of written correspondence the following guidelines should be followed:

- 1) Daily correspondence such as, but not limited to, Inspection Reports, sample collection reports, complaint forms, and memorandums should be submitted no less than two times a week.
- 2) Expense vouchers should be submitted within ten (10) days of the conclusion of the period covered by the voucher. Personnel in a training status, should submit their vouchers on a weekly basis.
- 3) Monthly mileage reports must be submitted promptly on the last work day of every month to the Central Office.
- 4) Timesheets are to be submitted no later than the Monday following the completion of the form.
- 5) Monthly work plans should be submitted at the end of each month but in no event later than the end of the following month.
- 6) Photographs taken in preparation for additional regulatory action must be submitted in accordance with FOM I-09.
- 7) A daily "calendar" or log **WILL** be maintained in the agency furnished "date book". In this book you will record your daily activities, e.g. inspections, complaints, visits, meetings, etc.

Any unusual circumstances concerning submission of correspondence should be discussed with your Regional Manager.

Edited February 2, 2001

FIELD OPERATIONS MANUAL

PROCEDURE 1-07 Formerly
029

USE OF THE INSPECTION REPORT

The inspection report was designed to be a multi-use form to help streamline some of the paperwork that Inspectors must complete.

Only factual statements are appropriate for the inspection report. You will NOT "editorialize" at any time. "The facts ... Nothing but the facts".

For example:

An accumulation of old food product was found on the floor in the walk in cooler. Only prepacked food products are kept in this cooler.

This firm is on a private well and the waste is discharged to the public sewage system.

The firm is permitted by the Northampton District Health Department under permit number 12345.

The functions of the inspection report are: reporting inspectional violations, recording data entry information, documentation of voluntary destructions, recording **factual** information pertaining to visit, documentation of sample collection, and the writing of memos. In consideration of its many uses, following are instructions for the proper completion of this form.

WHEN USED TO REPORT INSPECTIONAL VIOLATIONS

Observations should be reported in a narrative format and in the order of relative importance. However, any food products found in violation of the laws and related regulations that will require additional regulatory action (i.e. destruction, seizure, sampling, etc.) will need to be itemized on the inspection report. **THE DISPOSITION OF THESE FOODS (DESTRUCTIONS, REMOVALS FROM SALE, REHEATING, CHILLING, REFRIGERATION, etc.) ARE NOT TO BE LISTED ON THE INSPECTION REPORT.** The inspection report when used to report inspectional violations is to be used to document objectionable conditions only. The disposition of foods and other comments will be included on the data entry section of the report. When products are destroyed the number of the observation should be listed in the space provided at the end of the report next to the phrase "The

adulterated food items listed in observations ____ were destroyed with my consent."

The following is an example:

Inspection Report left with Mr. Nicky Icky, Owner by Mr. F. B Goodguy Inspector # 007

____ **Adulterated food items listed in observations #3 were destroyed with my consent.**

____ Witnessed the collecting, marking, or sealing of samples

WHEN USED AS A MEMO FOR VISITS

When this form is used as a memo for a visit, fill the top part of the form out as usual. In the area where it says "During an inspection of" write VISIT. Again, only factual statements will be made.

In the narrative part of the form write your memo, purpose for the visit (i.e. sampling, complaint, out of business, etc.).

Following are examples:

1. During today's complaint investigation the following products were found insect infested:
 - a. 6/12 oz. Hershey's candy bars
 - b. 15/1 lb. bags of Jimbo Jumbo's peanuts
2. Today's visit revealed this firm to be out of business.
3. During today's visit samples were collected.
4. I received a phone call from the fire department notifying me of a fire at this firm today. I found about 200 pounds of various food products damaged due to the fire. These products were buried at the county landfill.
5. I visited this firm today to destroy 200/16 oz. bottles of Sandy's ginger ale that were under seizure. Laboratory analysis of the samples revealed that the products were adulterated with mold.

When food products have been destroyed the inspection report needs to be signed and initialed in two places. The first signature indicates that they have received the original sheet and the second initial indicates that the food products listed were destroyed with their consent. In the space at the bottom of the sheet where you list the observation numbers for the food products destroyed type in the word *ABOVE* since there are no numbered observations.

Revised December 13, 1999

FIELD OPERATIONS MANUAL

PROCEDURE I-08
Formerly 035

RECORDS NECESSARY FOR OWNERSHIP CHANGES

In order to minimize the number of records needed to change ownership of an establishment the following procedure has been developed.

- A. FIRMS THAT CHANGE OWNERS BUT DO NOT CHANGE FIRM'S NAME
 1. The CFN's on these firms will not change.
 2. Indicate under the last observation that there has been a change of ownership. Highlight this statement so that it can be noticed when looking through the file.
- B. FIRMS THAT CHANGE OWNERS AS WELL AS CHANGE FIRM'S NAME
 1. The CFN on the new owner will be different from the previous owner.
 2. An inspection report will be filled out with the CFN and the previous owner's information. In the body of the inspection report indicate that the firm is out-of-business and the name of the firm has changed.
 3. A second inspection report will be filled out for the new owner. The CFN should be listed as "New firm". Please remember to also indicate the type of establishment and the location code.

Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE I-09
Formerly 017

MOUNTING OF PHOTOGRAPHS

The presentation of photographic evidence, both in court or at hearings, generally has a very positive effect on getting the job done. Therefore, the proper mounting of photographs is most important.

Photographs should be mounted on clean heavy paper, preferably green. A supply of this paper is readily available from Central Stores through your Regional Office.

All photographs should be mounted in the same visual plane. That is, when you look at the page you should be able to tell what each photo represents. You should not have to turn the page on its side, etc.

Each page of photographs should have the name and address of the store, the date the photos were taken, your initials across the top and the page number.

Each photograph should be identified as to the objectionable condition in the Inspection Report that it depicts.

All photos should be mounted in sequential order according to listing of conditions on the Inspection Report.

The identification card used in the photos and the photo negatives should be attached to the last page.

Photographs should be mounted using staples.

It is permissible to highlight a condition in a photo by circling the condition with a pen. An example would be circling a beetle on a bag of corn meal.

Photographs must be submitted within seven (7) calendar days from the inspection.

Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE I-10
Formerly 037

COMPUTER CARE AND MAINTENANCE PROCEDURES

Background

Our computers and printers are a very important resource. Their importance will increase as we develop and improve the program. In addition to simply compiling reports, the system is an extremely important communication and information gathering tool. It is of the utmost importance that each person fully understand that they are responsible for the proper care and maintenance of their assigned equipment.

Reference Material

All computer operators are **required** to review the Virginia Department of Agriculture and Consumer Services Policy and Procedure Manual Number 10.1, Subject: Ethical use of Agency Computing Resources and Number 10.2, Subject: Network Services. These policies provide information and guidance to VDACS employees who use computer. Also, each computer and printer, came with manuals. These manuals provide the novice and accomplished computer user the BASIC information they need. Although the information is basic, all field computer users are **required** to have reviewed the manuals and they must be **kept readily available** as reference material.

Care of the Hardware

First and foremost, read your manuals and follow their instructions. Often times they will provide simple solution to routine problems and how to operate the equipment efficiently and safely. Take care of the equipment like it was your personal property.

Always consider the environmental factor you are faced with in you territory. **Do not, under any circumstances, leave the computer or printer in your car overnight.** During the day, take steps to protect the computer and printer from temperature extremes. Simple steps like keeping the equipment covered with a light colored towel to reflect the heat in the car will provide a significant degree of protection for your computer. Try to park in the shade to reduce heat accumulation in the summer or in the sun in the winter. In the event you are required to be involved in a lengthy visit at an establishment (an all day inspection for example). it may be necessary to bring your computer in from the car to avoid damage from extremes of heat and cold. Of course, when this is done, you must insure that you leave the computer in a secure area of the firm. Make sure your equipment is on a stable surface to prevent

accidental falls; do not expose the equipment to magnets; do not allow the equipment to get wet (drinking beverages over the equipment is not a good idea). Another important consideration is security. Do not invite theft or assault. Common sense goes a long way in this area. There are situations that where using the computer would not be a good choice and handwriting the Inspection Report to expedite the visit is a wise choice. Consult with your regional manager for guidance in providing services in dangerous locations.

Hardware Service and Support

There is a broad spectrum of computer expertise among the field Food Safety Specialists. Situations will arise where in house or external assistance will be needed to solve a particular problem. The VDACS Information Systems office will assist field personnel directly with the care and maintenance of their computers and will coordinate repairs and outside services when necessary.

All requests for assistance with your computer will be directed to the Information Systems office. Additionally, you are expected to keep your regional manager informed that you are having difficulty and have contacted the Information Systems office. Information Systems will determine if the problem is hardware or software related. Every attempt will be made to correct the situation over the phone or via email. But, if assistance from outside our office is needed, you will be provided the necessary instruction (repair shop, VDACS Information Systems, manufacturer). Information Systems has been asked to keep the regional manager informed via phone or email of what is being done to correct the situation. **Individual field personnel WILL not attempt to procure computer support services outside our office. Such action could result in disciplinary action.**

COMPUTER TECHNICAL SUPPORT.

In the event you need computer hardware and Microsoft program technical support, such as internet connections and Microsoft Word, you should contact the VDACS Information Systems (IS) office directly. When you contact IS you must be able to describe the problem accurately, including what you were doing when the problem occurred, any error messages received, etc. You must also be able to tell IS when and where they can contact you via phone, if necessary.

POINTS OF CONTACTS

Information Systems

Jeff Hansen
Information Systems

Virginia Department of Agriculture & Consumer Services
1100 Bank St. - Suite 301
Richmond, VA 23219

Help Desk - (804) 786-4711
Fax - (804) 786-2110
Voice mail - (804) 786-1345

E-mail addresses

helpdesk@vdacs.state.va.us
jhansen@vdacs.state.va.us

Attachments: (2)
06/26/98

(1) Virginia Department of Agriculture and Consumer Services Policy and Procedure Manual Number 10.1, Subject: Ethical use of Agency
(2) Computing Resources end Number 10.2, Subject: Network Services.

FIELD OPERATIONS MANUAL

PROCEDURE I-11

Formerly 032

FARMERS MARKETS

The following administrative procedures will be used when conducting and reporting inspections of farmers markets:

I. FOOD SALES BOOTHS/STATIONS

- a. A CFN will be given to each food booth/station at the Farmer's Market.
- b. **Each food sales booth/station should be treated as a separate entity.** That is, each one should be individually evaluated, and an inspection report left at each one. On the inspection report where it states "During an inspection of your _____" you shall put **"farmer's market point of sale"**.

II. ACTUAL FARMERS MARKET AREA.

- A. The market or facility "landlord" that is providing the point of sale sites will also get a separate CFN as a retailer. This is the only way that someone can be held accountable for the building or shelter, perimeter of the building or shelter, restrooms, equipment and hand sinks - if applicable. The "Landlord's" responsibilities may vary widely across the state, therefore, situations have to be considered on a case by case basis. Consult with your regional manager or field supervisor for guidance. **The inspection report for the market only will be left with the market manager.**

The attached consumer information brochure and GUIDELINES FOR CONSUMER SAMPLES AT FARMER'S MARKETS for further information.

February 22, 2000

PROCEDURES FOR CONSUMER SAMPLES AT FARMERS MARKETS

Several vendors at farmer=s markets have been found to be dispensing free samples of the products they are selling. Since money does not change hands during these transactions there is some question as to how fully the food laws apply. However, the

distribution of samples is a form of advertising and the food laws govern that. In any case, proper handling of food samples is a concern to both the consumer and to the vender. Nothing will kill a small business faster than to make people sick with free samples. Our posture will be to advise vendors of the proper way to handle their food samples. In instances where a gross deficiency exists discuss it with your supervisor in order to plan a proper course of action. When evaluating the food sample practices of vendors the following guide should be used:

Bakery Products - Non-cream filled bakery products pose little hazard and vendors need to do little else than protect them from gross contamination. It will not be necessary to provide plumbing facilities in the vendor's stall if all they handle are non-potentially hazardous bakery products.

Melons - Melons, until recently, were not thought to pose many hazards. However, recent events, especially the Salmonella Poona incident involving cantaloupes has shown this assessment to be in error. Melons can provide the essential nutrients to keep pathogenic bacteria alive. The Salmonella Poona incident makes excellent case study. The melons appeared to originate in an area where Night soil (human excrement) was used as a fertilizing agent. The night soil contained the salmonella that contaminated the exterior of the melon. The salmonella was transferred to the interior flesh of the melon by knives during slicing and survived there. Thousands were made ill and two persons died as a result. Vendors who sliced melon and offer them as samples need to take a few simple precautions to protect themselves from a reoccurrence of this problem. Melons intended for slicing should be thoroughly washed. If this cannot be accomplished at the vendor's booth then the melons intended for slicing should be washed at home and brought to the market in suitable containers. If slicing is to occur at the vendor's booth the vendor should furnish some means of washing his utensils. As a practical matter, since melons do not have a high fat content, a supply of hot water is not essential to do a good job. A vendor who desires to slice their melons at their booth need only provide three containers for washing, rinsing and sanitizing their utensils. Water can be brought from home in a suitable container. When utilizing the three containers, one would contain water and a detergent, the second would contain rinse water and should be changed fairly frequently, and the third would contain a sanitizer. The sanitizer should be checked at appropriate intervals. Sliced melons on display for sampling should be protected from gross contamination and should be refrigerated. If refrigeration is not possible, then the melons should not sit out at ambient air temperatures any longer than two hours before they are discarded and replaced with fresh samples. Proper refrigeration can take the form of no more than a drained tray of ice upon which a plate or tray containing the melon sits. Vendors also have the option of preparing their samples at home and bringing them with them. This may be the simplest method for some of the vendors.

Potentially Hazardous Foods - These products present a much different problem than the melons. Because of the high fat content and protein usually associated with these types of products, hot water is essential for effective cleaning of utensils. Those vendors who process samples of potentially hazardous products such as slices of meats, bits of sandwiches, slices of cream pies, etc., should have proper cleaning facilities available. If proper cleaning facilities are not available, the vendor should prepare the samples at home and transport them to the booth in suitable containers. Proper

refrigeration is also essential since these products actually enhance the growth of microorganisms rather than just allow their survival as is the case with the melons. Refrigerated transportation and storage is essential and refrigerated display very desirable. If refrigerated display is not available then the products should be displayed at ambient air temperatures no longer than two hours before they are discarded and even this is a marginal practice.

Take time to explain fully to the vendor the scientific reasons behind your recommendations. The more vendors understand about the products they are handling the less likely they are to engage in risky practices and the easier things will be for all parties involved. If you have any questions, discuss them with your supervisor.

Edited April 5, 2000

FIELD OPERATIONS MANUAL

PROCEDURE I-12
NEW

Dress Code

As an employee of the Virginia Department of Agriculture, you are expected to project a professional image. Appearance is an important part of a public image. Good public relations and practical common sense requires you dress appropriately for the activity in which you are engaged. A Food Safety Specialist will be neat, clean and well groomed. Clean slacks and collared shirts are appropriate for men and clean slacks and a dress top for women. You are part of a professional organization and should project a professional image.

Jeans, tee shirts, sweatpants/shirts, tank tops and sandals are not appropriate.

In certain situations, such as disaster work, a more "relaxed" dress is acceptable.

Additionally, as reflected in FOM 1-01 Inspector Safety, when working in unsafe areas you are to dress appropriately so as not to draw undue attention to yourself.

Protective clothing

The office provides smocks (and coveralls) for this purpose. Smocks, as well as hair restraints, are to be worn whenever you are in a processing environment. You do not need to wear a smock in non-processing areas as long as you are wearing a name tag (ie: identification tag) indicating you are a Food Safety Specialist. You are responsible for keeping your smock clean and in good condition. Only clean smocks are to worn during firm inspections.

NOTE: If you have other situations where you believe the wearing of the smock may cause problems/difficulties, consult with your Regional Manager.

If a firm requires their employees to wear additional protective clothing, such as beard guards, safety glasses, ear plugs, etc., then you are expected to dress like-wise. If you do not have the specific safety gear needed, request it through your regional office. In most cases, the firm will provide it as a courtesy if you do not have the specific safety gear needed.

Issued new August 16, 2001

FIELD OPERATIONS MANUAL

PROCEDURE I-13
New

EMAIL USE AND ETIQUETTE

Electronic mail, commonly referred to as "email", has become a necessary and effective communication tool to exchange information between the offices, the field, our clients and each other.

In order to increase the efficiency of email, all field and office personnel will check and respond to their email on a DAILY basis.

All email that you receive and/or generate on your agency computer is for official use only and may be subject to a "freedom of information" (FOI) request. Simply deleting an email from your computer, does not prevent it from being recovered.

EMAIL DO'S AND DON'TS:

DO Keep email short. Be concise.

DO respond to your mail as soon as possible.

DO NOT send inflammatory comments. Be official and factual.

January 19, 2000

INCLEMENT WEATHER

During inclement weather conditions the following protocol is established. The protocol is fully compliant with all HRO policies and directives relating to inclement weather. Please remember that conditions vary widely across the state and may even vary within a region:

If weather conditions, such as snow and/or ice storms, hurricanes, severe rain storms etc., are such that the field Food Safety Specialist (FSS) does not feel that he or she can perform field work **safely**, they should contact their Regional Manager to discuss the situation.

Subsequent to discussing the situation with your Regional Manager, you and the Manager should collectively determine whether or not you should stay at home or perform field work. In determining whether conditions are suitable for working at home, the FSS should utilize information from the following sources, but not limited to:

- **Local** weather reports
- *State Police*
- VDOT
- State and Local Government as well as "large employer" closings for the locality in question

You may use the Internet to obtain some of the aforementioned information.

Criteria, such as the general condition of roads, streets and highways in the field FSS's **immediate** vicinity, the availability of work in their immediate vicinity and/or contiguous areas, terrain (i.e. steep hills that must be navigated in close proximity to residence) etc. should be utilized. Another critical factor is your ability and/or experience in driving in severe weather, e.g. snow and ice.

If **weather conditions improve** at some point in time during the workday the FSS should **resume his or her normal field duties** when and where possible.

In instances where it is impossible to perform field work then work related activities should be performed at the FSS's home office where possible (food safety research via the Internet, special projects conducted over the phone as assigned by supervisor, organizing files, review of Laws and/or Regulations,

etc.).

If it is deemed that the FSS should work in their home office then they should place the actual number of hours in which work (in the home office) was performed in the "Hours Worked" column of the "VDACS Timesheet." The number of hours during that particular workday in which work was not performed should be placed in the "Holiday Hours" column of said timesheet. Directly beneath the number of hours not worked (in the same block as the listed hours) the word "weather" should be written.

The Commonwealth will **only allot 8 hours of weather related leave per day**. However, if the FSS works a ten (10) hour day, and is at home for the entire day they must work for at least two (2) hours at their home office if they wish to avoid having to take two (2) hours of annual leave.

The closing of a "State office" building only relates to those employees who travel to and work in that particular building. It does not automatically entitle other employees of the Commonwealth who do not work in that building to "time off".

Note: The FSS can also contact the Field Supervisor for a determination as to how to deal with inclement weather situations. Once a determination has been made the Field Supervisor should provide that information to the Regional Manager.

****SAFETY FIRST!****

YOU MUST RECORD, IN YOUR DAILY CALENDER, THE FACT YOU WORK AT HOME DUE TO WEATHER CONDITIONS AND WHO YOU INFORMED. THIS IS FOR YOUR PROTECTION!

February 2, 2000

FIELD OPERATION MANUAL

PROCEDURE I-15

New

EMERGENCY DATA UPDATING

In the event you are injured while at work and you are unable to provide the needed information to emergency personnel, the Agency may have to make a notification or provide the information for you. Therefore, you shall periodically make certain that your emergency notification information, maintained by our Human Resource Office (HRO) in Richmond, is current.

In the event your emergency notifications needs to be updated, you will submit the changes to HRO, electronically as an attachment, or via (snail) mail, your current notification requirements. The form utilized for this purpose, developed by HRO, is attached to this FOM and should be retained on your computer for easy use.

The form should be submitted to:

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
HUMAN RESOURCE OFFICE
1100 BANK STREET SUITE 306
RICHMOND, VIRGINIA 23219
Fax (804) 371-8879

Or
VIA EMAIL TO

Ms. Linda Cole lcole@vdacs.state.va.us

February 9, 2000



EMERGENCY INFORMATION VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

Please Print or Type

Name:

Division: Consumer Protection

Date: 12/20/02

PERSON(S) TO CONTACT IN CASE OF EMERGENCY:

Name:

Home Address:

Work Address:

Telephone: (h) (w) Pager #

Name:

Home Address:

Work Address:

Telephone: (h) (w) Pager #

PREFERRED HOSPITAL:

PERSONAL PHYSICIAN: TELEPHONE:

***SPECIAL INSTRUCTIONS/CONDITIONS/NOTES:**

ALTERNATE WORK SCHEDULES FOR FIELD PERSONNEL

Background and Policy

The Department of Personnel and Training (DPT) has authorized Alternate Work Schedules (AWS) since 1993. However, in order to avoid misuse, clarification is needed. The Office of Food Safety is responsible for ensuring adequate coverage to all areas Monday through Friday from 8:15 a.m. through 5:00 p.m. Full service must be available to our consumers throughout those hours. Additionally, the AWS is a privilege, and not a right.

New Food Safety Specialist (employed for less than one (1) year), hired after the issuance of this Field Operation Manual I-16, are **not** permitted to work the ten (10) hour days, four (4) days per week. Generally, personnel advanced to Grade 10 can be eligible, but the eligibility for the AWS is at the sole discretion of the Regional Manager.

New personnel in "training" **will** follow the instructor's working hours at all times.

Options

The following are the **only** options available to field personnel (Food Safety Specialists):

Ten (10) hour days, four (4) days per week

Eight (8) hour days, five (5) days per week

Ten (10) hour days, four (4) days per week

Employees electing to work four (4) day weeks must schedule those days with their supervisors. Starting hours are between 6:30 a.m. and 7:30 a.m. and ending times are between 5:15 p.m. and 6:30 p.m.

When employees are sick or on annual leave, ten (10) hours will be charged each day. **Time off for the holidays will for eight (8) hours only.** Employees scheduled to work 10-hour days on holidays **must** charge two (2) hours to leave. No employee is authorized to work for the two (2) hours at "home". **OR**, the employee can revert to the regular eight (8) hour days for the week in which a holiday occurs.

Without exception, for the holidays of Thanksgiving, Christmas

and New Year's, employees WILL revert to the eight (8) hours/five (5) days work schedule.

You **MUST** obtain **pre-approval** from your Regional Manager before working the AWS, and **before making any changes** in your work schedule. Additionally, you may be required to submit your "days off" schedule in a format and frequency designated by your Regional Manager, for their review and approval.

Eight (8) hour days, Five (5) days per week

Employees who elect to work a five (5) day week must schedule work hours with their supervisor. Flexible hours for five (5) day work weeks are from 7:00 a.m. to 6:00 p.m. Employee leave balances will be charged eight (8) hours per day when sick or annual leave is taken. Employees take holidays as scheduled.

Inclement Weather

During periods of inclement weather, Field Operations Manual I-14, applies. Your activity during inclement weather work hours is subject to verification by your Regional Manager.

Issued July 2000

FIELD OPERATIONS MANUAL

PROCEDURE I-17

TIMESHEET INSTRUCTIONS

OVERVIEW:

It is the policy of the Virginia Department of Agriculture and Consumer Services to follow the Federal Fair Labor Standards Act (FLSA) as directed by the Virginia Department of Personnel and Training and the U.S. Department of Labor. All field employees in the Food Safety Program are considered "non-exempt", meaning they are subject to all minimum wage and overtime provisions of FLSA.

Therefore, in accordance with FLSA, the Department has required that all non-exempt personnel submit an accurate VDACS Timesheet. Once completed, the Timesheet is to be forwarded promptly to your Regional Manager, in accordance with FOM 1-06, for review, verification and filing.

LEAVE ISSUES:

Compensatory time earned and overtime earned must be approved and should be reserved for emergency or extraordinary work on weekends, holidays and evenings after your normal work day. Emergency situations like fires, floods and truck wrecks, will continue to have priority and approval in these situations may have to be secured after the fact. However, other extra work, which must be conducted on holidays, or on the weekends, like the inspection of farmers markets or other situations where inspections must occur in off-hours, should be approved in advance by your supervisor.

Under normal circumstances, employees shall not work more than forty (40) hours in any work week. Employees are to **"schedule adjust"** at the end of their work week to avoid exceeding 40 hours.

I. General Guidelines:

- A. Bi-monthly time sheets have to be completed by all non-exempt classified employees.
- B. Careful attention should be given to ensuring that the timesheet and leave slips as well as other work reports, correspond to each other.
- C. Completing the timesheet on a daily/weekly schedule will avoid errors that may occur if you are preparing them well after the hours have been worked and the leave taken.

D. Timesheets should not be filled out in advance. The signature date should be accurate (ie: not postdated or predated).

E. Timesheets and leave slips are routinely audited.

F. Timesheets are official state documents.

G. Types of earned leave:

1. Overtime Leave (OE)

a. Is earned for all time **physically worked over 40 hours** (in 7 consecutive days, normal work week Saturday through Friday) at a rate of 1 ½ times the hours worked.

b. Can earn up to a maximum of 240 hours.

c. It remains on your leave record until it is taken.

2. Compensatory Leave (CE)

a. Can be earned for time worked on a holiday or other hours worked outside the normal work day when the employee **has not actually worked 40 hours in that week, i.e. when a holiday occurs or you have taken other leave during the work week.**

b. Expires one (1) year following the date on which the work was performed.

c. Leave is earned on an hour for hour basis.

II. **Week Ending:** Should be the Friday's date for the week just completed.

III. **Day and Date:** Start the date with Saturday's date and fill in the dates for the days of that week, ending with Friday. Friday's date should correspond to the Week Ending date.

IV. **Time In and Time Out:** Record actual starting and ending times.

V. **Hours Worked:** Should equal the difference between the Time In and Time Out minus a lunch break. The Fair Labor Standards Act (FLSA) requires a minimum 20 minute lunch break.

VI. **CE, Comp Paid, OE, Overtime Paid:** These are informational columns for your use in tracking the days on which you actually worked the compensatory or overtime leave. SEE NOTE AT THE BOTTOM OF THE TIMESHEET REGARDING APPROVAL BY THE SUPERVISOR.

VII. **Leave taken:** Indicate the hours taken and the leave transaction code that is appropriate for the leave taken.

VIII. **Totals:** The important totals are for the **Hours Worked, Leave Taken, and Holiday Hours** columns. IF THESE THREE (3)

COLUMNS TOTAL MORE THAN 40 HOURS, YOU SHOULD HAVE PRE-APPROVAL FOR EITHER COMPENSATORY OR OVERTIME LEAVE.

- IX. Signatures and Dates:** The signature and date by both the employee and the supervisor are attesting to the accuracy and validity of the information contained on the sheet.
- X. Relevant Policies:** The policies that outline core service hours, FLSA compliance, and alternate work schedules are contained in:
 - A.** VDACS Policy 4.9-Core Business Hours
 - B.** VDACS Policy 5.10-Fair Labor Standards Act
 - C.** VDACS Policy 5.12-Alternate Work Schedules

Revised August 10, 2001

FIELD OPERATIONS MANUAL

Procedure I-18
NEW

Preparation For Court

If it is necessary to initiate legal action against a firm, the food safety specialist must be a well prepared witness. Prior to the trial date, he/she should be sure that his/her files are up to date and in chronological order according to dates of inspection, etc. The Food Safety Specialist should review his/her files and notes and become very familiar with the facts in the case. The Food Safety Specialist's file and other pertinent information should be available at the trial.

When testifying, the Food Safety Specialist should always direct his/her testimony to the judge or jurors in case of a jury trial. It is important to remember that the judge or the jury will make the final decision.

The Food Safety Specialist should give clear, distinct, concise, and positive answers on the witness stand. You should never be evasive when answering questions. You should answer the specific question asked by the court and no more. If you do not understand a question asked by the court, then you should ask for the question to be repeated.

Special Note: When testifying in court, there may be situations where the Food Safety Specialist may only be allowed to refer to his/her notes taken during the inspection and not the Inspection Report. Therefore, when performing inspections of establishments that may result in legal/court action, place the notes of the objectionable conditions you have taken during the inspection into the firm folder. Make sure that these notes are available for reference purposes when you are called upon to testify.

The following listed items are what one Virginia circuit court judge says are important in presenting a case:

1. Tell the truth.
2. Have confidence in your case.
3. Give positive answers.
4. Witness must be informed and prepared.
5. Witness must listen to the questions.
6. If you do not know the answer, say "I do not know"
7. Never get angry on the stand.
8. Must be able to prove there has been a violation through facts.
9. Impression made on the witness stand is very important.
10. Be neatly dressed.
11. Be courteous.

Issued new February 9, 2001

FIELD OPERATIONS MANUAL

PROCEDURE I-19
NEW

Operation Of State Owned Automobile

I. GENERAL OPERATION

A. Assignment of Automobile

- a. The automobile is assigned to you for the purpose of performing your regular duties and special assignments in your assigned territory and other points in Virginia.
- b. The use of a state owned automobile for purposes other than those specified above shall be only with the consent of your immediate supervisor.

B. Maintenance and Service of Automobile

- a. All automobiles shall be serviced at State Department of Transportation shops. This shall include gasoline, oil, lubrication, and washing.
- b. All maintenance and repair work shall be performed at State Department of Transportation Shops. This shall include minor and major repairs.
- c. All vehicles should be kept in their original working condition as much as possible in order to prevent premature failure and personal injury. If a problem exists that you are aware of, do not neglect to get it fixed.
- d. Arrangements should be made to look into the feasibility of obtaining a 'loaner' vehicle if your state car will be out of service for an extended period of time.
- e. In case of emergency, when it is impractical to reach a State Shop, "Voyager" commercial fuel cards, which have been supplied may be used.
 1. The cards are for use with Pool Vehicles only and are vehicle specific.
 2. The input of a pin number (the last 5 digits of the pool car number) is required to obtain fuel. In some cases, the odometer reading may also be required.
 3. Notify your Regional Manager immediately if the card is lost or stolen.

C. Monthly Mileage Reports

- a. All operators of State owned automobiles are required to submit a mileage report on forms furnished for this purpose to the Department. Per FOM I-06, this report should be submitted directly to the Richmond Office at the end of each month **(must be in Richmond by the 5th day of the following month)**. All bills and statements relative to purchases must be attached to the report.

- b. Instructions for completing mileage reports are stated on the form. A reference copy is provided for you.

D. Accidents

- a. When an accident occurs, the driver of a State owned automobile must file a complete and comprehensive report which will be reviewed by the Safety Committee set up by the Governor of Virginia. If this Committee decides that the accident resulted from speeding, careless or reckless driving, or any other fault of the driver, then the Department will be held liable for repairs and other damages, and the driver will be subject to penalty.
- b. When an accident occurs, the operator of a State vehicle shall promptly notify a State trooper and request their cooperation in investigating and making a report on the cause of the accident. State police can be reached at the following #'s
 - 1. Cellular: #77
 - 2. 24 hr. response: 804-674-2000
- c. This office shall be notified promptly when an accident occurs and the operator should contact the insurance carrier immediately (Crawford and Company at 1-866-219-6120). All necessary insurance forms are to be filled out and mailed to the office **immediately**.
- d. Each operator of a State vehicle should thoroughly acquaint himself with instructions pertaining to the operation of such vehicles and the procedure for reporting accidents. These instructions are placed in each vehicle as well as forms for reporting accidents.

E. Safety

- a. Safety first - it pays! Make it a point to drive carefully and observe all traffic laws including the wearing of seat belts.
- b. Vehicles are to be kept locked at all times.

F. Appearance of State Owned Automobile

- a. It is essential that we exercise proper care to keep the automobile we operate clean and neat at all times.
- b. A clean automobile reflects good judgement and adds to the confidence other people have in us. We realize that at times weather conditions make it quite impossible to keep your car clean, but there is need for realization of the importance of this matter.

Issued new February 9, 2001

FIELD OPERATIONS MANUAL

PROCEDURE I-20
NEW

Employee Conduct

Field personnel are the first line of public contact (and in most cases the only contact) for the Department. Your actions will be the basis from which they judge the Food Safety Program. The public, as well as this Department, expect and deserve exemplary behavior and conduct. Be cognizant that the public, as well as the regulated industry, are quick to point out deficiencies in our performance.

Integrity

You are entrusted with equipment and field duties under minimal supervision. You have an inherent responsibility to protect and conserve all government property including equipment and supplies. Employees may not use or permit others to use official information not available to general public for personal gain or to advance a private interest. You are expected to conduct yourself in a professional manner so that the work of the Food Safety Program is effectively accomplished. Your job is to gather and present the facts. Accurate and objective observations are mandatory.

Attitude

You must be dignified, tactful, courteous and diplomatic. At no time will you display strong-arm tactics, an air of superiority, or an over-bearing nature. Demeaning comments and/or intimidation tactics toward a firm or their employees will not be tolerated or defended.

Ethics

Employees shall not, directly or indirectly, solicit or accept a gift.

Generally speaking, an employee shall avoid any action that might result in or create the appearance of:

- 1. holding a conflicting financial interest*
- 2. loss of impartiality in performing official duties*
- 3. using public office for private gain*

If an employee violates this policy, he or she may be subject to disciplinary action under the Standards of Conduct and Performance, up to and including termination.

Issued New August 16, 2001

FIELD OPERATIONS MANUAL

Procedure I-21
New

Contacts with the media

Over the years, the inspectional and investigational activities of the Food Safety Program have received coverage in the electronic and print media. On occasion, you may be approached by the media to comment or provide information regarding your inspectional activities. If media representatives contact you, be courteous and helpful, but refer all requests to your Regional Manager. You may be permitted to appear on camera or be interviewed, but authorization must be gained in advance. Do not solicit media interviews or on-camera appearances unless you are authorized.

There may be occasions when management of a firm you are inspecting invites representatives from the news media to observe the inspectional process. When this occurs, you are to contact your Regional Manager as soon as possible and make them aware of the situation. In most cases, the presence of outside representatives should not disrupt the inspectional process. You should continue to conduct the inspection in a reasonable fashion. The presence of these individuals should have no impact on the manner in which the inspection progresses with the exception that you will need to take precautions to preserve the confidentiality of any information you may have obtained.

In summary, whenever the media approaches you, be courteous and helpful but tactfully decline any request to be interviewed or filmed and refer them to your Regional Manager.

Issued New August 16, 2001

FIELD OPERATIONS MANUAL

Procedure I-22
NEW

Customer Services

VDACS is committed to providing quality professional services to our customers in a timely manner. Government exists to provide services to citizens and our success is measured by the quality and quantity of services provided.

In your position as a Food Safety Specialist, the State has provided you with a pager. In an effort to promote quality customer services in a timely manner, the office will provide your pager number to appropriate parties when necessary.

It is important to understand that contacting clients is a shared responsibility that does not rest totally with the clerical staff. Although calls will not be routinely passed directly to the Inspector, in many cases, direct contact between the Inspector and client is the most prudent approach to resolving an issue.

Finally, the position of Food Safety Specialist requires you to be available when necessary to respond to emergency situations. Therefore, you are to carry your pager on flex days and weekends (days and evenings) in order to facilitate a rapid response to any disaster and/or emergency situation that may occur. However, you are not required to stay in your territory on those days and it will not be necessary to carry your pager when outside your territory, while on annual leave or when at home where you can be reached by telephone.

NOTE: All pages will be answered, regardless of whether the number is known (ie: a number other than the office), according to established timeframes (ie: FOM I-05).

Issued new March 8, 2002

FIELD OPERATIONS MANUAL

Procedure I-23
New

VDACS-FOOD SAFETY PROGRAM TRAINING MANUAL

Introduction

The primary purpose of this Training Manual is to promote uniformity in the training of new hires. This manual describes conditions and practices that should be addressed in developing an effective and meaningful training experience. The criteria in this training manual are based on the requirements of the Virginia Food Laws and related regulations. While this manual should be used as a guide in deciding what areas to stress and/or de-emphasize during training it is not to say you can not deviate from it to expose a trainee to unusual situations that will warrant their attention.

The training program and this manual are designed to prepare new hires to effectively apply the appropriate laws and regulations in the performance of their duties. This training will emphasize that the Food Safety Specialist (FSS) is not just an inspector who identifies, and reports food safety violations, but a SPECIALIST who can base decisions not only on what is in the “book”, but also on sound scientific food safety principles. Additionally, they will develop the ability to offer constructive corrective recommendations, based on the aforementioned, to the establishments under our jurisdiction. Every effort will be made to insure that the new individual is exposed to the widest range of activities and scope of our responsibilities. With the skills obtained through this training, the new employee will be a credit to himself or herself and the Department and who can take deserved pride for a job well accomplished.

Goals of the Training Program

1. To develop the ability to interpret and apply applicable laws and regulations in diverse situations.
2. To develop the ability to make autonomous decisions and to take appropriate actions in diverse circumstances and environments.
3. To develop the ability to effectively communicate, both orally and written.
4. To develop the ability to provide quality customer service.
5. To develop the ability to use computerized equipment and applications.
6. To develop a thorough knowledge of the Virginia Food Laws and related laws/regulations.
7. To develop a thorough knowledge of Food Law inspectional and enforcement procedures.
8. To develop a thorough knowledge of food safety practices and principals.
9. To develop a thorough knowledge of food processing theory and practice.

Training Program Overview

Our training program is built around a three to four month on-the-job training period. During this time, the new employee will work with various Food Safety Specialists and managers throughout the state on a weekly basis. Monthly training schedules will be set up and supplied to all parties involved in advance so that all necessary arrangements (meeting time and place, hotel accommodations, etc.) can be made.

Initially, the new employee will spend one or two days in the Richmond office for indoctrination purposes and procuring his/her needed supplies. The rest of the week will be spent working with the Training Coordinator familiarizing themselves with the Virginia Food Laws (VFL) and related regulations enforced by the Food Safety Program. Additionally, time will be spent going over pertinent Department and Agency Policies and Procedures, as well as various forms of paperwork. The following week the new employee will begin their field training with an experienced Food Safety Specialist. During this time, the trainers will be explaining the various operations, the conditions observed and how these conditions relate to the Virginia Food Laws and/or regulations.

As the new employee becomes familiar with these activities, they will begin to handle portions of the inspection and paperwork on their own under the supervision of the Food Safety Specialist. At this time the new employee begins to move into the “second stage” of their training. During this period, the new employee will be working along side and comparing notes with the Food Safety Specialist concerning the observed objectionable conditions. The new employee should also be composing the majority of the paperwork at this stage with some assistance from the Food Safety Specialist. This should be a time for the “pieces of the puzzle” to begin really falling into place as far as inspection, paperwork and how conditions relate to the Virginia Food Laws.

During the “final stage” of training, the new employee will be handling all aspects of the inspection, including discussions with management, with little or no assistance from the Food Safety Specialist. The Food Safety Specialist, however, will be observing the actions, techniques and knowledge developed by the new employee in order to determine when they will be ready to be released from training and able to assume her/his own territory. Also during this period, arrangements will be made for the trainee to “tour” Consolidated Labs. This will be an opportunity to get a “behind the scenes” look at what goes on in the analysis of a food sample as well as meeting some of the chemists involved in the work.

Finally, every effort will be made to have the trainee work in their new territory during the last week of training. This will allow a chance for them to become somewhat familiar with their territory before officially taking over inspectional responsibility.

Once training is completed, the newly trained Food Safety Specialist will, by no means be a “polished professional” but should be able to adequately carry out the duties of a Food Safety Specialist. The fine points of the job can be learned only by gaining experience while working alone and the experience can only come with time and patience.

Field Training Overview

All trainers should emphasize quality rather than quantity during the workweek. This should not

be a rushed week. There should be ample time allowed in each processing area and part of the inspection for questions and discussion. Take the time to explain and see that they understand what they see and what or why something is being done. In order to expose the trainee to all aspects of a firm's operation, comprehensive firm inspections should be performed vs. the risk based approach.

The main focus during firm inspections will be to identify potential food safety issues that may arise and the measures needed to prevent and control those hazards. We want to stress those risk factors that could contribute to a foodborne illness. Those risk factors include: improper holding temperature, inadequate cooking, contaminated equipment, unsafe food sources and poor personal hygiene.

II. FOODBORNE ILLNESS RISK FACTORS

Following are the conditions to review relative to a particular risk factor. Items found out of compliance should be documented on the Inspection Report.

1. Improper Hold

a. Proper Cooling Procedures

1. Potentially hazardous foods (PHF) cooled from 140 to 70F within 2 hrs and from 70 to 45F or less within 4 hrs.

b. Cold Holding

1. PHF maintained at 45F or less except during preparation, cooking, cooling or when time used as a public health control
2. thermometers, used and calibrated (thermometers should read 32 degrees F in an ice slurry bath)

c. Hot Holding

1. PHF maintained at 140F or above except during preparation, cooking, cooling or when time used a public health control
2. thermometers, used and calibrated

d. Ambient Holding of PHF

1. Food is cooked and served within 4 hrs. (Food discarded after 4 hrs.)
2. If a firm wants to use time/temperature as a control they must submit a written HACCP plan to the Regional Office.

e. Proper Thawing Procedures

1. Refrigerator
2. Cold Running Water
3. Microwave

2. Inadequate Cooking

a. Proper Cooking Temperature

1. thermometers-used and calibrated

b. Reheating

1. rapid reheating to 165 degrees F.

3. Contaminated Equipment

a. Cross contamination

1. separation of raw animal foods from ready-to-eat (RTE) foods during processing and storage.

- b. Food contact surfaces
- c. Equipment sink
 - 1. proper sanitizing procedures
 - 2. proper sanitizing concentrations
- 4. **Unsafe Food Sources**
 - a. All foods from inspected facilities
 - b. Potable water supply
 - 1. private supply (well)-up to date water sample
 - b. Receiving
 - 1. proper temperature
 - 2. free from contamination
 - 3. properly labeled
- 5. **Poor Personal Hygiene**
 - a. Handwashing
 - b. Good Hygienic Practices
 - 1. eating, drinking and smoking issues
 - 2. employees with signs of illness (sneezing, coughing, runny nose,...)
 - c. Handwash Facilities
 - 1. conveniently located and accessible for use
 - 2. properly plumbed with hot and cold running water
 - 3. properly supplied with soap and towels (or hand dryer)
 - d. Restrooms
 - 1. functional toilet
 - 2. toilet tissue available
 - 3. properly plumbed handsink in or immediately adjacent to restroom
- 6. **Other**
 - a. Unapproved food or color additives
 - b. Poisonous or toxic materials
 - 1. properly identified, stored and used
 - c. Pest Control
 - 1. inside/outside premises
 - 2. storage areas
 - 3. control program in place
 - 4. entrances/doors
 - d. Product disposition
 - 1. infant formula
 - 2. compromised food products
 - 3. data entry sheet

III. Pre-Inspection protocol

- 1. Be on time when meeting the trainee. Show respect for trainee. Emphasize to the trainee the need to be on time and properly attired.
- 2. Have a clean and organized vehicle.
- 3. Have a schedule/plan for the day's activities.
- 4. Review previous reports in preparation for the inspection.

5. Have all necessary equipment/supplies available to conduct the inspection.
 - a. computer/printer
 - b. forms/paper
 - c. thermometer (calibrated)
 - d. alcohol swabs
 - e. flashlight
 - f. sanitizer test strips
 - g. sampling equipment (ie: poly bags and seals)
 - h. coolers/ice-paks
 - i. digital camera
 - j. pager
 - k. blacklight
 - l. FOM manual
 - m. CFR (Code of Federal Regulations)
6. Proper attire. Clean smocks and hair restraints will be worn in processing environments. (See FOM I-12 Dress Code).

IV. Retail Inspection Protocol

1. Introductions made to the most responsible person at the firm. Show credentials whenever the situation allows.
2. Processing departments. As mentioned previously, the main focus of the inspection will be to address those risk factors that are known to contribute to foodborne illness (see section II- Foodborne Illness Risk Factors).
 - a. Equipment sanitation. Time should be spent showing trainee how to break down equipment or asking a store employee to take apart.
3. Retail sales area.
 - a. Rodent and/or insect activity
 1. perimeter of stockroom (and coolers) for rodent activity
 2. grain products (corn meal, dried beans,...) for insect infestation (weevils, insect frass/webbing, drill holes..)
 3. produce area for insects (fruit flies, roaches,...)
 4. pet food area for insects and rodent activity
 - b. Refrigerated display cases
 1. proper temperature
 2. temperature abused products
 3. load limit abuses
 - c. Canned food items
 1. swollen cans
 2. leakers
 3. flippers
 - d. Egg inspection. Adherence to FOM III-14.
 1. temperature check
 2. visual examination for checked and loss eggs
4. Labeling issues.
5. Floors/walls/ceiling issues should be de-emphasized unless severe (ie: roof leaks, flaking paint over processing equipment,...).

V. Processor Inspection Protocol

As previously stated, the main focus of the inspection will be to address those risk factors that are known to contribute to foodborne illness (see section II-Foodborne Illness Risk Factors).

1. Introductions made to the most responsible person at the firm. Show credentials whenever the situation allows.
2. Follow the process flow. Start at the beginning (raw materials) and follow the process through to the end product.
3. Be knowledgeable of and follow the applicable CFR. Remember that the retail regulations are not relevant to manufacturers.
4. FDA paperwork. When time permits, preferably at least once during the week, complete “mock” contract paperwork (coversheet, GMP checksheet, NLEA) if you are unable to perform an actual contract inspection. It is desirable that “mock” contract paperwork be performed for food processors not warehouses. Expose the trainee to all aspects of the FDA paperwork, including the use of the Product Code Builder.
5. NLEA/labeling issues should be discussed.
 - a. NLEA-size/volume exemptions, health claims,...
 - b. Need to list sub-components of ingredients.
 - c. Net weight issues referred to Weights and Measures Office

VI. Training Specifics

Field Operations Manual

1. Trainers need to review FOMs on a daily basis. In order to ensure that all FOM's are covered, the trainee will choose the FOM's for discussion.
2. Every effort should be made to explain any FOM used during a particular inspection.
3. Temperature and Plumbing FOMs should be heavily emphasized.

Laws and Regulations

1. The VFL and related regulations will be reviewed from the onset of training. Trainers need to take the time to ensure that the trainee is knowledgeable and can apply the laws/regulations appropriately.
2. Trainees should be “quizzed” on their ability to apply the laws and regulations. For example:

he/she should be asked to show application of the particular law and/or regulation to the objectionable conditions observed during an inspection.

Equipment review

Train with as much different equipment as possible. Please provide training experiences with equipment such as the blacklight whenever possible.

Digital cameras—Have the trainee take and mount any pictures taken or just do a set of ‘sample pictures’ weekly so that they develop a comfort level with the camera.

The training coordinator will determine when “sample pictures” should be taken. If asked to provide said training, go through the entire process from taking the pictures to transferring the finished document on to the zip disk.

Paperwork

1. Correct grammar and sentence composition. You have spell check on the computer, it needs to be used.
2. Prioritizing violations.
3. Explain the importance of the violations
4. Assist trainee in determining what conditions are 'objectionable but not actionable'
5. Grading the inspection. What is NAI/VAI/OAI and why. Explain appropriate follow-up dates.
6. Wording observations using the general format of 'how many, what, where'. Some flexibility in the wording of observations is to be expected and is acceptable.
7. Establishment Profile Form. Stress "risk assessment" and the related "inspection frequency".
8. Adherence to FOM I-06 regarding submittal of paperwork (at least 2X per week).

Communication

1. Demonstrate effective communication skills
 - a. Provide courteous customer service
 - b. Provide prompt/timely responses to client requests
 - c. Professional rapport with management
 - d. Follow directions
 - e. Accept constructive criticism
2. Ask open-ended questions vs. leading questions during inspections
 - a. What concentration is your sanitizer? Vs. Your sanitizer strength is 200ppm isn't it?
3. Discuss inspection report with management (don't just hand it to them).
4. Encourage questions/discussions with trainee.
5. If the trainee makes mistakes - provide immediate feedback - give the trainee a chance to correct the mistake during the week.
6. *Adherence to FOM I-05 (pager response times)*
7. At the beginning of the week, have the trainee discuss their perceived strengths and weaknesses and what they would like to work on during that week.

Sampling

1. Follow the requirements of VFL and procedures in the FOM Manual
 - a. Samples sealed and/or identified in the presence of firm management.
 - b. Shipped within appropriate time frames. *Ship within 24-48 hours.*
 - c. Commissioner's Reserve sample taken when appropriate (ie: regulatory action probable).
 - d. Sample size requirements.
 - e. Discuss pesticide residue sampling program (schedule I, II and III)
 - f. Explain the sample collection report form, including:
 1. Use of the laboratory analysis catalog.
 2. The significance of the "priority code".
 3. The meaning of collecting samples in "1, 2 or 3 parts".

Complaints

1. Discuss timeframes involved in working a complaint.
2. When it is appropriate to collect samples.
3. Official samples vs. service samples.
4. Thoroughness of investigation and written summary
5. Review and discuss complaint related FOMs

6. The need to inform supervisor when a confirmed foodborne illness.
7. Review tampering protocol (ie: FOM I-02)

Disasters

Obviously we can't "plan" for this type of situation during training but we can do several things to address this issue. If a disaster or emergency situation should arise in an adjacent territory then you should notify the Training Coordinator about shifting the trainee to that area. Otherwise, take the time to review/discuss previous disasters you were involved with. Insights into dealing with insurance adjusters, law enforcement, landfill operators,...would be beneficial.

Compliance Process

1. Review applicable FOMs (ie: I-00, I-18)
2. Documentation
 - a. when to sample
 - b. when to take photographs

Evaluation

1. Don't wait until the last minute in deciding what to discuss in the trainee's evaluation.
2. Make notes all through the week so nothing is forgotten.
3. Discuss all faults or areas needing improvement. If the trainee makes mistakes - provide immediate feedback - give the trainee a chance to correct the mistake during the week.
4. Use diplomacy...don't be demeaning. Do not criticize the trainee in front of management.
5. Allow ample time for discussion and review of the evaluation. Encouragement or praise if doing a good job.
6. Utilize the FSS Progress Review form for evaluation purposes (see attached). The evaluation is to be completed on the last day of the work week. E-mail the completed evaluation to the training coordinator(s) as well as the trainee's Regional Manager.
8. If you have serious concerns about the trainee's ability, call the training coordinator directly.

Attachment: FSS Progress Review form

Issued New March 8, 2002

FIELD OPERATIONS MANUAL

PROCEDURE II-01
Formerly 022

CONSUMER COMPLAINT INVESTIGATIONS

The investigation of consumer complaints are a very important aspect of a Food Safety Specialist's duties. All complaints must be thoroughly investigated, regardless of its nature. Often times it is the consumer that will identify a problem, perceived or otherwise, in an establishment or product.

When a complainant alleges:

1. poor food quality, or
2. poor sanitary conditions, or
3. poor food handling conditions, or
4. injury or illness from or unusual experience with a food product without substantial medical evidence

The complaint will be investigated within ten (10) working days from the date the complaint was received by the office.

Under unusual circumstances your regional manager or their designated representative will assign a complaint which will require immediate investigation, e.g. confirmed and documented food borne illnesses or injury, or a reported suspected tampering (FOM I-02 applies).

Agency Responsibilities:

Although another agency may have regulatory cognizance for a particular food product, we are required to determine if the establishment is or is not responsible for the subject complaint. The following general guidelines are provided:

Milk: If the complaint relates to conditions at the retail firm (spoiled, warm, improper rotation, etc) we will investigate. If the complaint does not relate to the conditions at the retail firm (chemical taste, foreign matter, etc.) We refer the complaint to the Health Department Milk Sanitation Program in Richmond.

Ice Cream: If the complaint relates to conditions at the retail firm we investigate. If the complaint does not relate to conditions at the retail firm, we refer it to VDACS Dairy Services.

Meat product: If the complaint concerns a store-packaged product or is related to store practices, we investigate. If the product is pre packaged, and is from a USDA inspected firm, we refer it to the

USDA Compliance Officer in Richmond. However, we may collect appropriate samples at the retail firm, and forward the results to USDA to aid their investigation.

Food products under the cognizance of the Food & Drug Administration (FDA): If the complaint concerns a prepackaged product manufactured or processed outside of Virginia, the matter may be referred to the FDA for follow up.

When another agency is found to be responsible for the complaint, you will note in your complaint investigation summary and make sure it is highlighted so the office staff knows to refer the complaint.

Complaint Investigation:

ALL COMPLAINTS WILL BE INVESTIGATED! The who, what, when, where, why and how will be considered. The scope of the investigation must be complete enough to determine the scope and extent of the adverse conditions. A "limited" inspection of the responsible area may be required to determine a cause. Determine if any objectionable conditions may have contributed to the complaint, e.g. dirty equipment, personal hygiene, temperature abuse, etc. Always collect a sample if it pertains to the complaint and supports your findings. FOM I-02, Tampering Investigations, and FOM III-05, Retail store inspection criteria may apply. Investigation at the manufacturing level requires the same attention to detail. **You will always determine from management if they are aware of the specific or similar complaints.**

Revised November 17, 1999
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FIELD OPERATIONS MANUAL

PROCEDURE II-02
Formerly 012

SERVICE SAMPLES (UNOFFICIAL SAMPLES)

An increase in public awareness concerning food safety has resulted in a rising number of requests from consumers to have their suspect products tested.

Persons requesting service sample (unofficial sample) analyses should be handled as follows:

- 1) Listen to the problem they have encountered with the product and determine if we need to handle the information as a consumer complaint.
- 2) In some instances meeting with the consumer at the firm, to examine the product in question, may be appropriate. The inspector and/or supervisor should first determine if such a meeting is necessary, and then decide if the service sample should be collected. The complainant must be advised that no regulatory action can or will be taken based on the results of a service sample; the results are for informational purposes only.
- 3) When you collect a service sample you must follow the steps on the attached page entitled "Preparation of Service Samples Collection Form".

If other state or local officials take custody of a service sample, you should handle that person in the same manner as outlined above.

You should also advise these officials that it is not our standard policy to collect unofficial samples.

YOU SHOULD NOT TAKE CUSTODY OF A SERVICE SAMPLE, UNLESS IT HAS BEEN DETERMINED THAT IT WILL PROVIDE USEFUL INFORMATION IN YOUR INVESTIGATION OF THE MATTER AS A CONSUMER COMPLAINT.

Revised July 1999

FIELD OPERATIONS MANUAL

Procedure III-01
Formerly 038

VDACS AND FDA SEAFOOD HACCP PROGRAM

Background

The U.S. Food and Drug Administration (FDA) has fully implemented the SEAFOOD HACCP Program under the provisions of the Code of Federal Regulations (CFR) Part 123. Under the terms of the contract with the Virginia Department of Agriculture and Consumer Services (VDACS), we have specific responsibilities to address FDA concerns, e.g. the deviations in the establishment's seafood HACCP plan. **Regulatory (enforcement) responsibilities for the SEAFOOD HACCP Program are that of the FDA.** Responsibilities for Good Manufacturing Practices (GMP) under the contract are that of VDACS and/or FDA.

Some firms may not need a FDA required HACCP plan. Regulations require the firm to perform a hazard analysis, but do not require it to be in writing. If no hazards have been identified, no HACCP plan is needed.

Inspection Procedure

- Currently, establishments (within the Commonwealth of Virginia) that process fish and/or fishery products may be subject to Seafood HACCP inspections by VDACS Food Safety Specialists.
- According to the Seafood HACCP regulation, the term "processing" includes the following types of operations: handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, or holding.
- The HACCP regulations do not apply to: (a) Harvesting or transporting fish or fishery products, without otherwise engaging in processing (b) Practices such as heading, eviscerating, or freezing intended solely to prepare a fish for holding on board a harvest vessel (c) The operation of a retail store.
- Additionally, for fish and fishery products that are subject to the requirements of the low acid canned foods (LACF) regulation 21 CFR 113 or the acidified foods regulation 21 CFR 114, the HACCP plan need not list the food safety hazard associated with the formation of the Clostridium botulinum toxin in the finished, hermetically sealed container, nor list the controls to prevent that food safety hazard. A HACCP plan for such fish and fishery products shall address any other food safety hazards that are reasonably likely to occur.

- The inspection will be divided into two (2) parts, the GMP inspection and the HACCP evaluation. The criteria you use for the GMP inspections has not changed. Detailed HACCP evaluations of seafood establishments will only be performed by VDACS Food Safety Specialists when performing contractual inspections for the USFDA.
- Under a **contract** inspection, VDACS will conduct a traditional GMP inspection and a complete evaluation of the firm's HACCP plan.
- Under an **agreement** inspection, VDACS will conduct a traditional GMP inspection and will only verify the presence or absence of the firm's HACCP plan.

Writing the Inspection Report

For a contract inspection:

- On the Inspection Report beneath (i.e. segregated from) the recorded GMP deficiencies the HACCP plan discrepancies should be documented. The HACCP deficiencies will be listed under the heading "THE FOLLOWING DEFICIENCIES WERE NOTED IN THE FIRM'S HACCP PLAN"
- For firms that state a HACCP plan is not required, verification by the Inspector is required. If the Inspector agrees that a HACCP plan is not required then the statement "Firm reports that a hazard analysis was made and no hazards were identified" should be put on the report (segregated from the GMP deficiencies). If the Inspector disagrees and feels that a HACCP plan is needed, it should be documented under the "Deficiencies Noted" heading.
- It is acceptable for the firm to make "on the spot" corrections to the HACCP plan. The HACCP deviations still need to be documented, but note that the correction was made. Corrected HACCP deviations will not be considered when evaluating the firm for follow-up.
- Only the seafood products processed or handled by the firm since December 18, 1997, will be covered on the HACCP plan review. If the firm's HACCP plan includes a species of seafood that has yet to be handled or processed by the firm, that portion of the plan should not be considered in the evaluation.

For an agreement inspection:

- On the Inspection Report beneath (ie: segregated from) the recorded GMP deficiencies the presence/absence of the HACCP

plan should be documented. A simple statement that the firm either does/does not have a HACCP plan is all that is needed.

- When encountering a seafood establishment for which no HACCP plan is required place the following statement on your inspection report (segregated from the GMP violations). "Firm reports that a hazard analysis was made and no hazards were identified"
- No additional paperwork is required, only the Inspection Report and agreement coversheet.

Completing FDA contract paperwork

- For each HACCP inspection, in addition to the "regular" FDA contract forms, e.g. Coversheet, NLEA, GMP check list, etc., a will need to be completed and filed with the VDACS Inspection Report. (Note-In addition to the Inspection Report a completed copy of the Domestic Seafood HACCP Report must be left with firm management at the end of the inspection).
- For firms with HACCP deficiencies, the Inspector **MUST** get from management a date when the deficiencies will be corrected. This date should be no more than thirty (30) days from the date of the inspection. The Inspector will document this in the "DISCUSSION WITH MANAGEMENT" block on the back of the GMP check sheet.
- PAC codes. On the front page of the FDA coversheet, the HACCP and non-HACCP (ie: GMP sanitary inspection) components of the inspection need to be documented **separately**. The GMP portion of the inspection will be reported under PAC code 03S001. The HACCP evaluation will be reported under PAC code 03S002. The information that has traditionally been filled out in relation to a PAC code (ie: Process Code, Est Typ, Insp Basis, Empl & product) must be filled out for both codes. It is important to note, that for the time expended during the inspection, PAC code 03S001 will include time for the GMP inspection, travel, and administrative work. PAC code 03S002 will record only the time spent on HACCP evaluation.

Classification Issues (For the Initial Inspection)

FDA Agreement Inspection

- The classification of the inspection is ONLY relevant to the GMP portion of the inspection. The presence or absence of a HACCP plan will not affect the overall inspection classification.

FDA Contract Inspection

The FDA has grouped HACCP deficiencies into three (3) categories: critical, serious, and other (refer to the attachment DOMESTIC FISH AND FISHERY PRODUCTS INSPECTIONS COMPLIANCE PROGRAM 7303.842 for a list of specific deviations).

- **Critical deviations** refer to the absence of controls which are likely to result in an adverse health consequence. This type of deviation tends to involve performance (e.g., monitoring a critical control point).
- **Serious deviations** refer to conditions which, if left uncorrected, jeopardize the operational or performance aspects of the HACCP system and can be expected to lead to critical deviations. These deviations tend to involve paper-type problems (e.g., inadequate written HACCP plan; record keeping inadequacies) rather than performance.
- **Other deviations** are those that are neither critical or serious.

If the HACCP plan is acceptable (no serious or critical deviations) and the GMP inspection is NAI, the inspection is NAI.

If the HACCP plan has serious or critical deviations present and the GMP inspection is NAI, the inspection is VAI. A follow-up inspection should be scheduled for thirty (30) days.

If the HACCP plan is acceptable (no serious or critical deviations) and the GMP inspection is violative, the inspection is VAI/OAI, depending on the severity and significance of the GMP portion of the inspection. A follow-up inspection should be scheduled in accordance with current practices.

If the HACCP plan has serious or critical deviations present and the GMP inspection is violative, the inspection is VAI/OAI (OAI is relevant only to the GMP portion of the inspection). A follow-up inspection should be scheduled for thirty (30) days.

For classification purposes, when you encounter establishments that do not require a HACCP plan, you will consider the firm as "HACCP plan is acceptable" IF your evaluation agrees with the firm's analysis. If your inspection and evaluation indicates that a HACCP plan is needed, you will consider the firm as "HACCP plan has serious or critical deviations".

Follow-Up Inspections Due To HACCP Deficiencies

- For firms (contract inspections) with serious and/or critical HACCP deficiencies, the follow-up inspection will be conducted by VDACS.

- The follow-up inspection will be CONTRACT and all the associated paperwork, including the Domestic Seafood HACCP Report, must be completed.
- The follow-up inspection will “target” the GMP violations and the HACCP deviations noted on the previous inspection, e.g. the inspector will only reinspect the conditions written up on the previous Inspection Report and then review the HACCP plan to verify that the necessary corrections have been made.

Classification Issues (for the follow-up inspection)

- If the follow-up inspection finds the HACCP plan still with serious and/or critical deviations, the inspection will be classified VAI-F. The firm will be forwarded to FDA for further regulatory action. This will end VDACS involvement relative to the HACCP deficiencies.
- Other situations (ie: GMP inspection violative) should be handled according to established criteria.

We realize that this FOM will not include all situations that you will encounter in performing Seafood HACCP inspections. Questions that arise should be directed to your Regional Manager for resolution.

Pending revision August 99

FIELD OPERATIONS MANUAL

PROCEDURE III-02

Formerly 13

IN-HOME FOOD MANUFACTURING OPERATIONS

An opinion by the Assistant Attorney General assigned to this Department indicates that the Virginia Food Laws and related regulations do not prohibit the home manufacture of food products for sale to the public. Each home operation is to be evaluated on it's individual merits as to it's suitability for the commercial production of food products.

When you evaluate a home operation you will use the Virginia Food Laws and which ever of the Federal regulations we have adopted that is applicable. For the most part you will use Part 110, Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food. There will be instances where other regulations will apply. Many of the other regulations set general standards of identity for products. When you are inspecting a home manufacturer producing a product covered by one of the regulations be sure you are entirely familiar with that regulation and utilize it when making your evaluation and\or inspection.

The below regulations may apply to home operations of certain foods. Each Food Safety Specialist is responsible for being be familiar with these regulations.

Part 110, Current Good Manufacturing Practice In
Manufacturing, Packing or Holding Human Food

Part 114, Acidified Foods

**Note: The processing of low acid canned foods and water
bottling are considered as not feasible in a home.**

We have put together an information package containing the Virginia Food Laws, Part 110, food safety literature and other information deemed necessary for prospective home operators. They must contact us for this information before an inspection of their facilities. Also, in this package, the operator is informed that following information is required and must be submitted prior to inspection.

1. A complete diagram of the processing area including the location of stoves, sinks, refrigerators, storage areas, etc. The diagram should also include the other rooms on the floor on which the processing is being done. If the person is using more than one level a diagram should be made of each level.
2. A process flow sheet. This must be a description of the steps in the process in sequential order from raw material to

finished product. This can either be a written document or a schematic drawing.

3. The formulation of the product. Have the individual supplying the information mark it Atrade secret@ so that it will not be subject to disclosure under the Virginia Freedom of Information Act. **The formulation information must include all the ingredients and the quantity of each ingredient.**
4. Labels for the product. If labels have not yet been ordered a mock up of the proposed label will suffice. It is suggested that labels be approved before ordered to avoid financial loss if the labels must be revised.
5. A bacteriological sample analysis, **from an acceptable and accredited laboratory**, of the firm's water indicating potability if the firm is on a private supply such as a well. If the firm is on a municipal supply this will not be necessary.
6. If the operation is involved in making acidified foods (e.g. pickles), smoking fish, or making products containing garlic in oil they need to have their process reviewed and approved by a competent processing authority for safety. A process approval is also mandatory when changes are made to the original process. A copy of the letter and/or reports from the processing authority **must** be provided **for agency review and acceptance**. Additionally, the operator **should** complete the FDA Better Process Control school within one (1) year of beginning processing.
7. An explanation of the product coding plan if one is required.

When you arrive at the establishment you should check the establishment and processing for **food safety issues** using a modified HACCP approach (Hazard Analysis and Critical Control Points). You should give the operation the same thorough inspection given to any commercial food production facility. The general procedure is as follows:

1. Overall sanitation. Check the processing area, storage areas and any adjacent areas for general sanitation. This will include a check for insect and rodent pests. Those persons who operate in their homes and have domestic animals for pets should arrange to keep the pets out of the food processing area at all times. It has been the Program's experience that domestic animals in the home invariably lead to animal hairs in the finished product, an adulterant.
2. Raw materials. Check the raw materials storage areas to ensure that the raw materials are adequately protected from

possible contamination. Recommend to the operator that they provide separate storage for commercial raw ingredients from domestic use ingredients. Check the raw ingredients for wholesomeness. Persons using raw ingredients which are potentially hazardous foods - such as meats, eggs, milk, seafood, etc. will need to provide a means of keeping these products at an internal temperature of 45F or below. The domestic refrigerator is often the least satisfactory solution. Domestic use of the home refrigerator along with the added burden of commercial use often overloads the cooling capacity of the unit so that it is unable to render rapid and complete cooling. A separate refrigerator of adequate capacity is often the best solution for the home processor. The refrigerator needs to be equipped with an accurate thermometer inside so the processor may tell at a glance if it is working properly.

3. Utensil storage. Check the utensil storage to ensure that it is adequate to protect the utensils from contamination. Processors must ensure that the utensils are not re-contaminated in storage. One method to do this is to clean and sanitize the utensils just before beginning operations and/or recommend the operator maintain separate storage for their domestic utensils and their commercial utensils.
4. Processing Control. Try to watch the home operator as they process. This would enable you to detect places in the process where the safety of the product might be compromised. Since some home operators work on a limited basis it may not be possible every time to do this. In those instances where the inspector arrives and the home operator is not processing it would be appropriate for the home operator to "walk them through" the process. Some of the more general items you would check for are: a) possible cross contamination of finished, ready to eat product by raw product, b) time temperature abuses of potentially hazardous products, c) improper thawing of frozen product, d) failure to rapidly cool cooked, potentially hazardous product in shallow pans, e) failure to properly sanitize equipment, f) failure to wear proper hair restraints and clean outer garments when processing food products, g) failure to properly close finished product containers, h) failure to thermally process acidified foods to the extent that microorganisms of concern are destroyed, (i) failure to perform required monitoring of critical points in the process, j) failure to keep and maintain adequate records. More specific requirements are contained in applicable regulations.
5. Plumbing. All food manufacturing operations must have proper plumbing with hot and cold running water and have facilities adequate to clean their processing equipment. In most cases this means a minimum of a two compartment sink. Operators must know how to properly sanitize. A functional toilet and a hand washing basin are also necessary.

6. Finished product storage. Adequate arrangements should be made for finished product storage. The storage provided should adequately protect the product from possible contamination.
7. Product distribution. Where required by regulation a list of primary distributions should be maintained in case a recall becomes necessary. A list of primary customers is a good idea even when it is not required by regulation and this should be suggested to the home operator.
8. Record keeping. Where required by regulation the appropriate records must be maintained in good order and readily accessible for the inspector's review.
9. Product liability insurance. This is not required by any law or regulation but is something no processor, especially smaller ones, should be without. You should suggest this to your home operators.

ADMINISTRATIVE GUIDELINES

Home Operations that produce a low volume of food product (this would apply to most home operations) which are also exclusively processing non-potentially hazardous foods may be scheduled for a **2 year follow-up**. Of course this is optional and depends on the existing circumstances within each Food Safety Specialist's territory. Any inspection precipitating a 2 year follow-up should be classified NAI. Furthermore, you may only assign a 2 year follow-up to your home processor after you have performed an inspection of the operation and have provided the required information indicated in the following paragraph.

After completing an inspection of a home operation you will need to place the phrase, "home operation" directly beneath the CFN in the upper left hand corner of the inspection report. Please note that this requirement applies to **all** home operations and not just those which meet the low volume/non-potentially hazardous foods requirement noted above. Not only does supplying this information allow you to initiate the 2 year follow-up protocol-it also allows us the **capability to separate typical food processors from "home operation" food processors on our mainframe system.** In addition to providing the Food Safety Specialist with greater rescheduling flexibility, this alteration to our system will allow us to more accurately assess the food processors in the Commonwealth and will provide for a greater degree of refinement during territory restructuring.

Finally, as you are inspecting your home processing operations please take note of the assigned CFN. If the CFN prefix does

not accurately reflect the nature of the home operation (i.e. retail CFN vs the appropriate processor CFN), alert us via a short note directly beneath the CFN in the upper left hand corner of the inspection report. The note should state, "Change CFN" and should further indicate why the CFN should be changed.

The above will allow all of you an additional allotment of time that can be directed towards monitoring those establishments that are more "critical" with respect to potential impact on public health.

February 2, 2000

FIELD OPERATIONS MANUAL

PROCEDURE III-03
Formerly 18

SEAFOOD PEDDLERS

In order to more uniformly regulate those persons who sell seafood from the back of trucks, etc., please use the following guidelines:

- a. All seafood peddlers must have adequate means to refrigerate their products.
 - b. Seafood products must be adequately protected from possible contamination. No open display of raw product.
 - c. Seafood peddlers who do not have adequate cleaning equipment and hand washing facilities can sell the following:
 - i. Whole uncleaned fish.
 - ii. Prepackaged units of seafood products.
 - iii. Oysters in the shell from approved sources.
 - iv. Live Crabs.
 - v. Unshelled bulk raw shrimp.
- They may not:**
- i Dress or fillet fish.
 - ii Dip oysters.
 - iii Shuck oysters.
 - iv Handle unpackaged peeled and de-veined raw or cooked shrimp.
 - v. Handle or sell unpackaged fish fillets.
- d. Seafood peddlers who process seafood must have on board their vehicles the same general sanitary facilities as are usually found in retail seafood markets, i.e. hot and cold running water, equipment sink, handwashing facilities, proper drainage and wastewater holding facilities. They must have convenient access to a functional rest room/toilet facilities.
 - e. All seafood peddlers who deal in prepackaged products must meet the customary labeling requirements of the Virginia Food Laws.
 - f. Dressed fish or headed raw shrimp can be sold unpackaged, if it is procured from their vendor in that condition. If the product is processed in a home operation, IN HOME MANUFACTURING OPERATIONS, FOM III-02 will apply.

Crab vendors are classified as SEAFOOD PEDDLERS and are cover under this Field Operations Manual (FOM) III-3. Your attention is invited to paragraph d. for peddlers who process seafood. Basically, they should comply with the same standards that apply to a retail seafood market with or without food service. Unless the vendor or operator is able to fully comply with this FOM, they should not steam crabs on the roadside. Also, in order for an individual to sell crabs he has caught, they must possess a license issued by the Virginia Marine Resource Commission (VMRC)

and should be able to show their license. In fact, any person who sells raw seafood product should be licensed by VMRC. This applies equally to fresh and salt-water seafood products. VMRC has requested that if you encounter any operators, who are unlicensed, they will investigate and take appropriate action. VMRC has expressed an interest in this matter of licensing. As a matter of information, the crab steamer operator, will be unable to come under the jurisdiction of the health department since their requirements essentially mirror ours for a retail operation's food service.

When an inspection of crab vendors who are steaming crabs on the road side, be sure to document the vehicle license number, the operators phone number, the VMRC license number, and ask for the individuals driver's license to insure that you properly identify the individual. *Remember that the individual is not required to show his driver's license to you.* Simply indicate to the operator that you want to be sure to have all the correct information for your report.

The compliance action for crab vendors is as follows:

a. The first encounter that is not in compliance will be classified as VAI, and the cognizant regional office will issue a letter of information (attached to the end of this FOM). A follow up visit will be in thirty (30) days.

b. If the firm is still operating after thirty (30) days, the cognizant field supervisor will make a visit to discuss the operation.

c. If the firm still continues to operate, all the COOKED product will be seized.

These guidelines are to be used as an aid in interpreting the Virginia Food Laws as they apply to seafood peddlers. If any unusual circumstances are encountered, please discuss them with your Regional Manager.

Revised July 14, 2000

The below information letter is a sample that will be sent to the crab vendors who are not in compliance.

Mr. *****, Owner/Operator
*****, Virginia *****
Dear *****:

On *****, Senior Food Safety Specialist *****, of this Department conducted an inspection of your retail crab steaming operation, located at *****, *****, Virginia. During that inspection, it was observed that the operation was not in compliance with the VIRGINIA FOOD LAWS. Additionally, other state agencies and laws may have legal powers over your operation.

The proper storage, preparation, serving and the cleaning and sanitizing of food contact surfaces is essential to insure a safe and wholesome food product. Please be advised that failure to properly protect your food product from contamination with filth, or cause the product to be injurious to health is a serious violation of the VIRGINIA FOOD LAWS.

For your information, we have enclosed copies of the VIRGINIA FOOD LAWS, the RULES AND REGULATIONS PERTAINING TO THE SANITARY AND OPERATING REQUIREMENTS IN RETAIL FOOD STORES, and our brochure on SANITIZING.

This letter of information is being provided to you with the purpose of achieving future and continuous compliance with the provisions of the VIRGINIA FOOD LAWS and applicable regulations. Should compliance not be forthcoming, additional regulatory action may be necessary.

If you have any further questions, please feel free to contact Inspector or me ***** at (***)***-****.

Sincerely

Food Safety Program

Enclosures

cc:
Inspector *****
*****, Regional Manager
Establishment file

FIELD OPERATIONS MANUAL

PROCEDURE III - 04
Formerly 001

SWOLLEN CANS

If you encounter swollen canned food products, you should:

- 1) have them voluntarily destroyed
or
- 2) seize and sample them

It is preferable to have the product voluntarily destroyed since laboratory analysis does not always reveal the cause of the abnormality. Swollen canned food products should never be consumed, since they indicate improper processing and/or handling. Such improper processing or handling could allow the formation of *C.botulinum* toxin.

During inspections of any establishment if multiple cases of swollen canned food products are encountered, or if you encounter a canned food product that has had a repeated history of being found in a swollen condition, the following information should be obtained:

- 1) The name and identification of the product.
- 2) The name and address of the manufacturer or distributor.
- 3) The code/codes of the products.
- 4) The approximate date of when the products were received.

This information is necessary so that the FDA can follow up at the manufacturer/distributor.

Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE III-05
Formerly 020

RETAIL STORE INSPECTION CRITERIA

To promote uniformity in the conduct of retail store inspections, the attached list of inspection criteria has been developed. The criteria are based on the requirements of the Virginia Food Laws and related regulations and are the basis for our on-the-job retail store training. The order of department is not meant to mean that the departments are to be inspected in the order listed in this FOM.

Meat/Delicatessen Departments

- 1) General state of repair of meat processing equipment and utensils and the sanitation of the same.
- 2) Rodent activity in the meat area.
- 3) Insect activity in the meat area.
- 4) Cleanliness and state of repair of food contact surfaces, general work surfaces and storage surfaces.
- 5) Daily thorough cleaning of processing equipment and cleanliness of same.
- 6) Condition of floors, walls and ceilings and cleanliness of same.
- 7) Adequate refrigerated holding facilities maintaining proper temperatures.
- 8) Avoidance of time-temperature abuses of potentially hazardous products.
- 9) Proper facilities for maintaining correct temperatures for hot serve foods.
- 10) Proper protection of raw product from possible contamination in storage.
- 11) Avoidance of cross contamination of prepared product by raw product such as beef by pork or chicken.
- 12) The intentional adulteration of raw product with fillers such as pork spleens in ground beef.
- 13) Potable water supply.

- 14) Hot and cold running water available for cleaning.
- 15) Proper hand-washing facilities and necessary soap and towels.
- 16) Proper equipment cleaning facilities.
- 17) Proper plumbing.
- 18) Proper drainage of meat room and meat walk-in cooler floors.
- 19) Protective covering on overhead lights.
- 20) Proper cleaning of cooling equipment, fans, guards and grills.
- 21) Correct use of rodenticides and insecticides.
- 22) Correct use of cleaning agents.
- 23) Correct use of food additives and the detection of the use of illegal food additives.
- 24) Compliance with applicable food product standards, such as maximum % fat in ground beef.
- 25) Smoking, eating or drinking in food processing areas.
- 26) Adequate employee hygiene.
- 27) Proper hair restraints.
- 28) Clean clothing.
- 29) No infections, diseases, or skin conditions.
- 30) Proper labeling and packaging.
- 31) Truthful advertising.

Bakery Department

- 1) General sanitation of floors, walls, ceilings, utensils and equipment.
- 2) Insect or rodent contamination of raw ingredients.
- 3) Proper use of food and/or color additives.
- 4) Proper use of rodenticides and insecticides.

- 5) Adequate cleaning of equipment and utensils and adequate cleaning facilities.
- 6) Proper handling and refrigeration of bakery products containing ingredients which support rapid microbial growth.
- 7) Proper employee practices including frequent hand washing, proper hair restraints and clean clothing.
- 8) Adequate hand washing facilities properly serviced.
- 9) Proper labeling of pre-packaged items.

Produce Preparation Area

- 1) General sanitation of floors, walls, ceilings and equipment in the produce preparation area and all produce coolers.
- 2) Proper cleaning and storage of produce preparation utensils.
- 3) Daily removal of all waste materials subject to decomposition and fermentation.
- 4) Rodent and/or insect activity.

General Stockroom Area

- 1) Rodent and/or insect defiled products.
- 2) Rodent and/or insect activity.
- 3) Rodent and/or insect entry points along walls, doors and receiving docks.
- 4) General sanitation of floors, walls, ceilings and shelves.
- 5) Springers, swells or leakers in canned goods.
- 6) Proper storage of merchandise off the floor and away from walls.
- 7) Broken or damaged product spilling onto floors or other product.
- 8) Segregation of toxic or hazardous products away from food products.

- 133
134 9) Storage of animal feeds away from human foods which are
135 susceptible to insect attack.
136
137 10) Orderly morgue (also called reclaims and/or returns) area
138 maintenance and procedures.
139
140 11) Adequate pest control practices and proper use of insecticides
141 and/or rodenticides.
142
143 12) No domestic animals present.
144
145 13) Adequate and convenient washrooms and toilet separate from
146 areas used to manufacture and store foods.
147
148 14) Proper waste and trash storage and disposal.
149

150 Dairy and Egg Products Storage Cooler

- 151
152 1) General sanitation of cooler floor, walls, ceiling, shelves
153 and refrigeration units.
154 2) Maintenance of proper storage temperatures.
155

156 Walk-in Freezer Storage

- 157
158 1) Proper temperatures for frozen products.
159
160 2) No build-up of ice on products, floors, freezer unit.
161

162 Retail Sales Area

- 163
164 1) General sanitation of floors, walls, shelves, refrigerated
165 display cases.
166
167 2) Check grain products for possible insect infestation.
168
169 3) Check canned products for leakers, swells and flippers.
170
171 4) Check produce areas for roaches, fruit flies and other pests.
172
173 5) Check dairy display for proper temperature and leakers.
174
175 6) Check prepackaged meat display for proper temperatures,
176 swells, blown vacuums, off color or off odor products.
177
178 7) Check frozen foods display for proper temperature, defrost
179 cycle problems, freezer burn and load limit abuses.
180

- 181 8) Check infant formula for outdated product.
182
183 9) Check prepackaged products for proper labeling.
184
185 10) Check to ensure that hazardous or toxic products are displayed
186 away from human foods.
187
188 11) Check soft drinks for the presence of mold, foreign material.
189
190 12) Check bulk displayed products for actual contamination, proper
191 protection from contamination, proper rotation and adequate
192 customer handling utensils.
193

194 Exterior of Store
195

- 196 1) Check for possible rodent and/or insect entry points.
197
198 2) Check for weed growth and other potential rodent harborage.
199
200 3) Check for adequate trash storage and removal.
201

202 Miscellaneous
203

- 1) Sleeping quarters separate and apart from food manufacturing, storage and sales area.

Inspection Criteria for Food Service Operations in Retail Food Stores

- 1) Check to see that sanitizing solutions are being used at least once a day on equipment, utensils and work surfaces used in the preparation, storage, and sale of potentially hazardous ready to eat food products and in every instance where there is a change from raw, unprocessed product to ready to eat food products.
- 2) Check to see if sanitizing solutions are being used properly:
 - 2/1 Hot water - 170°F - 30 seconds
 - 2/2 Chlorine - 50 ppm - 1 minute
 - 2/3 Iodine - 12.5 ppm - 1 minute
 - 2/4 Quaternary ammonium - 200 ppm - 1 minute
 - 2/5 Any other sanitizer recognized by public health authorities as being safe and effective.
- 3) Check to see if refrigeration facilities are holding product at an internal temperature of 45 degrees F. or below and are equipped with an accurate thermometer.
- 4) Check to see if management has a stem type thermometer available and uses it to check the internal temperatures of hot and cold potentially hazardous, ready to eat food products.
- 5) Determine if self-service displays of unpackaged or unwrapped foods, other than unprocessed raw fruits and vegetables, are equipped with sneeze guards or other suitable devices which protect the food from contamination.
- 6) Determine if all self-service displays of unpackaged or unwrapped food products, other than unprocessed raw fruits and vegetables, are equipped with appropriate serving utensils which eliminate consumer contact with the food product and are stored in a manner which prevents contamination of the food contact surface of the utensils.

- 7) Determine if self-service displays of unpackaged or unwrapped foods, other than unprocessed raw fruits and vegetables, are being monitored continuously by a store employee.
- 8) Check salad bars to determine if sulfite is being used to preserve the produce by either the retailer or the packer of the produce. If sulfite is being used, make sure a placard declaring its use is at point of display.

INSPECTION CRITERIA FOR FOOD HANDLING PRACTICES

- 1) Where applicable determine if frozen potentially hazardous food is being properly thawed by one of the following methods;
 - 1/1 Placed in a refrigerator at 45 degrees F or below for a length of time sufficient to thaw the product.
 - 1/2 Immersed in cold running water for a time sufficient to thaw the product.
- 2) Check to see that potentially hazardous cold foods are held at 45 degrees F or below during storage and display.
- 3) Check to see that potentially hazardous hot foods are handled properly in that:
 - 3/1 Hot foods are placed directly from cooking operations into a pre-warmed display case and held at an internal temperature of 140 degrees F.
 - 3/2 Hot foods which are to be stored for use later are removed from cooking operations or the display case and rapidly cooled in shallow vessels to 45 degrees F or less. Cold foods to be displayed hot are reheated to at least 165 F and then placed in a pre-heated hot display case. In no instance is the display case to be used to reheat foods.
- 4) Check to ensure that potentially hazardous foods being processed in the retail store by cooking are cooked to heat all parts of the food to at least 140 degrees F except that:
 - 4/1 Poultry, poultry stuffings, stuffed meats and stuffings containing meat are cooked to heat all parts of the food to at least 160 degrees F.

- 4/2 Pork and pork products are cooked to heat all parts of the food to at least 150 degrees F.

CRITICAL ITEM INSPECTIONS **HACCP**

"Critical Item Inspections" (CII) are HACCP type inspections done in retail establishments. An inspector should evaluate several key factors concerning the firm before doing this type of inspection. Some of these key factors are as follows:

1. inspectional history
2. management
3. employee turnover
4. turnover of food in the store
5. store temperature (air conditioned or not)

If during **your** evaluation of these or any other factors **you** believe there could be problems in the store then **you** should decide on how detailed **you** want to make the inspection. However, if **your** evaluation indicates no problems then **you** may want to do a critical item inspection.

CII's are inspections where emphasis is placed on the critical areas of the store. Listed below are some examples of PRIMARY and SECONDARY areas of concern. Some of these areas could switch from secondary to primary and visa versa depending of the **store's situation**.

PRIMARY

ALL PROCESSING AREAS
PERIMETER OF THE STOCKROOM
ALL REFRIGERATION AND
FREEZER UNITS (retail and
backroom)
RESTROOMS
INFANT FORMULA
BAKERY INGREDIENTS (flour,
corn meal, mixes, etc.)
GRAIN PRODUCTS/DRIED BEAN
AND FRUIT
REDUCED/QUICK SALE
SPECIALTY ITEMS

SECONDARY

PRODUCE
EGGS
CAN GOODS
ALL PACKAGED BEVERAGES (soft
drinks, juices, beer, wine,
tea, coffee, etc.)
CONDIMENTS/DRESSINGS
PASTA
BREADS
CEREAL
COOKIES/SNACK FOOD
ANIMAL FEED

If anytime during a critical item inspection you find evidence that there could be problems in secondary areas of the store then you should make a more detailed inspection.

Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE III-06
Formerly 030

VACUUM PACKAGING SYSTEMS IN RETAIL ESTABLISHMENTS

With the recent introduction of vacuum-packaging systems into retail food establishments, we have developed a concern over the monitoring and maintaining of critical controls that would prevent the growth of Clostridium botulism and other pathogenic organisms within vacuum-packaged food products. Since vacuum-packaging of foods produces an environment conducive to the growth of such organisms, constant monitoring of the adherence to these controls is essential to assure the production of safe and wholesome food products. Consequently, we have adopted the following guidelines (recommended by the U.S. Food and Drug Administration) to be enforced in retail food establishments where vacuum-packing systems are in use.

Vacuum-packaging of foods will not be allowed in a retail store unless the following six control steps are all in effect:

- 1) The foods must be limited to those which do not support the growth of Clostridium botulinum. This would include:
 - foods with a water activity (Aw) below 0.93;
 - foods with a hydrogen ion concentration (ph) of 4.6 or less;
 - meat products cured at a USDA-regulated processing plant using a combination of nitrites, nitrates and salt (initially 120 ppm or more sodium nitrite and a brine concentration of 3.50% or more) and which are received in an intact package; or
 - foods with high levels of non-pathogenic competing organisms such as raw meat, raw poultry or natural hard and semi-soft cheeses containing live starter culture organisms.
- Fish and fish products, because of their higher levels of C. botulinum type E spores and because of the history of fish-associated botulism, shall not be vacuum-packed.
- 2) Vacuum-packaged foods must be maintained at a temperature of 45 degrees Fahrenheit or below at all times.
- 3) Consumer packages must be prominently and conspicuously labeled with storage temperature requirements and clear instructions as to shelf-life.
- 4) Shelf-life must not exceed 10 days or extend past the shelf-life that is indicated on the initial processor's packaging.

- 5) Detailed, written in-store procedures must be developed, adhered to and carefully monitored. Such procedures should be HACCP-based and have a record keeping component. The procedures and the records should be subject to review by the appropriate regulatory authority. Procedures should include stringent product specifications (including guarantees, where appropriate) and routine testing of incoming products for the _ botulinum-control parameter, i.e. pH, Aw, nitrites or live competing organisms (written guarantees from product manufacturers concerning these C. botulinum control parameters may be sufficient - SEE NOTE A BELOW); scheduled microbiological testing of the vacuum-packaged product at the end of shelf-life (SEE NOTE B BELOW); product protection steps to minimize excessive handling; physical barriers or separation to minimize cross-contamination from raw products; and thorough cleaning and sanitization of all food-contact surfaces.
- 6) Operators must certify to the regulatory authority that the individual responsible for the vacuum packaging operation understands the equipment, the procedures and the concepts required for safe vacuum-packaging.

In addition, since vacuum-packaged food products are "food in packaged form", they must bear the information required by the labeling provisions of the Virginia Food Laws. This would include the name of the product, a list of ingredients in descending order of predominance, the net weight declaration, and the name and address of the responsible firm.

NOTE A - Routine testing of incoming products may not be necessary if a store has a manufacturers written guarantee that products comply with the C. botulinum control parameters. If a store chooses to conduct routine testing on incoming products, the only tests required would be pH and Aw. The reasons for this are as follows:

- 1) Testing for nitrites is needless since the initial concentration of nitrites within the product is the key factor.
- 2) There is no test currently available to check for levels of non-pathogenic competing organisms or for live starter cultures. In addition, following is a list of cheeses that were initially approved for vacuum-packaging within retail establishments:

| | | |
|--------------------------|----|---------------|
| <u>Fermented Cheeses</u> | 78 | Gouda |
| Brick | 79 | Jarlsburg |
| Cheddar | 80 | Monterey Jack |
| Colby | 81 | Muenster |
| Edam | 82 | Provolone |

| | | | |
|----|-------|----|------------------------------|
| 83 | Swiss | 84 | |
| 84 | | 85 | |
| | | 86 | <u>Aw Controlled Cheeses</u> |
| | | 87 | Parmesan |
| | | 88 | Romano |
| | | 89 | Land-O-Lakes Yellow American |
| | | 90 | Cheese Slices |
| | | 91 | |

NOTE B - Scheduled microbiological testing should be conducted at least two to three times per year. However, circumstances may require that this testing be conducted more often.

ENFORCEMENT PROVISIONS

Whenever vacuum-packaging violations are encountered, they should always be listed on the inspection report as objectionable conditions. In many cases, vacuum-packaging violations may not be serious enough to justify taking direct or immediate regulatory action. In these cases, the violations will be taken into consideration along with any other objectionable conditions in order to determine the classification of the inspection. However, some violations may be serious enough so that immediate corrective action will be necessary. Following are guidelines to assist inspectors when serious vacuum-packaging violations are encountered:

114

115

| Violation | Action To Be Taken |
|---|---|
| 1. Foods are unacceptable for retail vacuum-packaging. | Vacuum-packaging of these foods should be discontinued immediately. The products should be removed from sale and the firm should be requested to voluntarily destroy the products. If they refuse, the products should be seized and sampled for pH and Aw (SEE NOTE C BELOW) |
| 2. Products are held or offered for sale past the <u>acceptable</u> expiration date (see control step 4 on page 2 of this FOM procedure to determining acceptable expiration date). | Products should be removed from sale and the firm should be requested to voluntarily destroy the products. If they refuse, the products should be seized and sampled to verify the expiration date. The samples should be sent directly to your regional manager along with any necessary documentation to verify the violation. After verification, the firm will be notified in writing that the product will be destroyed (SEE NOTE C BELOW) |
| 3. Temperature abuse has been documented. | Temperature abuse should never exceed 4 hours. If it does, the products should be removed from sale and the firm should be requested to voluntarily destroy the products. If they refuse, the products should be seized and sampled for bacteriological analyses, to include <i>Listeria monocytogenes</i> analysis (SEE NOTE C BELOW) |

| | |
|--|--|
| 4. Inadequate processing guidelines or failure to follow proper processing guidelines. | If processing has been inadequate to the point that finished products may be harmful or injurious to health, vacuum-packaging should be discontinued until proper processing guidelines can be established and/or implemented, and the products should be removed from sale. The firm should be requested to voluntarily destroy the products; if they refuse, the products should be seized and sampled for pH, Aw, and bacteriological analyses, to include <i>Listeria monocytogenes</i> (SEE NOTE C BELOW) |
| 5. Untrained/unknowledgeable operators. | Vacuum-packaging should be discontinued until trained operators are available |
| 6. Inadequate processing conditions (i.e. general insanitary conditions; inappropriate location of vacuum-packaging operation such as in a stockroom, or packaging ready-to-eat products in a raw meat cutting area; etc.) | Vacuum-packaging should be discontinued immediately until this condition is corrected. Products should be removed from sale and the firm should be requested to voluntarily destroy the products. If they refuse, the products should be seized and sampled for pH, Aw and bacteriological analyses, to include <i>Listeria monocytogenes</i> (SEE NOTE C BELOW) |

NOTE C - If it is necessary to seize and sample any of these products, the samples, including any collected and sent directly to your regional manager, must be official samples.

7-30-99

FIELD OPERATIONS MANUAL

PROCEDURE III-07
Formerly 025 & 36

RETAIL APPLE and APPLE CIDER INSPECTIONS

Packages should be conspicuously marked with: (1) the grower or packer's name and address, (2) correct variety, (3) one of official standard grades (4) correct size, and (5) net contents. The Virginia Apple Marking Law requires this information to be conspicuously marked on each package "in plain words and figures on the outside, or a durable stuffer within and readily readable from the outside"; however, if the tie closure on bagged apples list part of this information it will be acceptable. Any placards or signs advertising bulk or packaged products should be factual, or removed.

A statement on the Inspection Report will list the number and type of packages which are in violation, the reason(s) for the failure, as well as the approximate net weight. If the packages are not packed by the store, the name and address of the packer should also be included to allow for follow-up at the packer level, if deemed necessary. Violations that are corrected will be so indicated on the Inspection Report.

Example (a): 65/3 lb. bags of apples marked, "Peaks of Otter Orch., Bedford, VA 24523, Red Delic., 2 1/4 in. min." were misbranded and offered for sale in the retail area as they did not indicate a grade.

Example (b): 20 various weight packages of apples were misbranded and offered for sale in the retail area, in that no packer's name, variety, grade or size shown.

APPLE JUICE/APPLE CIDER - Proper Washing of Apples to Remove E.coli 0157:H7

Processors of apple juice and apple cider should be inspected regularly, in accordance with our inspection frequency of food manufacturers. During these inspections, you should observe the apple washing procedures to insure that they are effective. Regulatory authority to require the washing of raw ingredients containing soil exists in CFR Part 110 - Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food. (Subpart E, Section 110.80, paragraph (a) Raw Materials and Other Ingredients.)

Check the washing of apples to insure that the procedure is sufficient to remove soil. This is especially important in

processors who produce unpasteurized cider and juice. Also be sure to ask the processor if they are using dropped apples in their product. If they do, make note of this practice so we can include it in the firm file.

Water used in the washing of apples should come from a potable supply and water used in a common wash should be of adequate sanitary quality. If the washing operation itself is not sufficient to remove all soil from the apples brushing may be necessary. Raw apples should be thoroughly examined to make sure all soil and soil residue is removed. If the firm is not washing their apples, urge them to do so, citing the dangers of unwashed product and the dangers of E.coli 0157:H7. If you observe soil present on apples that are to be pressed and processed into apple products, document this condition on your inspection report as an objectionable condition with a reinspection date of two weeks. When you reinspect the firm, if they are still not adequately washing their apples, classify the inspection as OAI, collect a sample of the finished product, and have it analyzed for E.coli 1057:H7. The product should be shipped in a refrigerated condition since competing organisms may suppress E.coli. Of course pasteurization is highly recommended for any apple cider products. ***If the apple cider product is NOT pasturized, you must collect a sample of the product for E. coli 0157:H7 (laboratory code 226-74 XMECOLIH7). THIS IS MANDATORY!***

Thereafter, we will handle the matter administratively under our voluntary compliance guidelines. (ie: Letter of Warning, etc.)

Revised November 17, 1999 Edited April 5, 2000

FIELD OPERATIONS MANUAL

PROCEDURE III-08
Formerly 002

TEMPERATURES OF READY TO EAT POTENTIALLY HAZARDOUS FOODS

The following protocol to determine the classification and deposition of potentially hazardous ready-to-eat foods:

Hot Foods:

130°F-140°F----reheat to 165°F*

Less than 130°F, **greater than 4 hours**---destroy

Less than 130°F, **less than 4 hours**---reheat to 165°F*

** It is acceptable for the firm to elect to rapidly chill the product to 45° or below within six (6) hours.*

Cold Foods:

Greater than 55°F for **more than 4 hours**---destroy

Greater than 55°F for **less than 4 hours**---refrigerate

45°-55°F---refrigerate

Frozen Foods:

Thawed frozen foods are generally a **quality** issue, not a food safety matter. Destruction of thawed product is not generally necessary. However, if the product falls within the parameters for cold foods, take the appropriate action indicated above. The disposition of the affected foods is a "**judgement call**".

Inspections will generally be given an "**NAI**" designation **unless** the firm needs to be monitored for compliance. The decision as to whether an establishment should be given a "**VAI**" designation for monitoring purposes will depend on a number of factors (i.e. product temperature, amount of product out of temperature, assessment of firms desire to comply). If the Food Safety Specialist feels that the firm needs to be monitored then they should classify the inspection "**VAI**" and request that an *information letter* be sent to the firm. This letter will indicate the dangers of holding potentially hazardous foods at inappropriate temperatures and will request the firm to initiate corrective action. Place "INF LTR" on the line next to the "REG FU" section of the inspection report.

If a firm wants to use time/temperature as a control they must submit a written HACCP plan to the Regional Office/Manager.

An "OAI" designation should only be given in extreme circumstances where there have been repeated violations.

Edited April 5, 2000
January 19, 2000

FIELD OPERATIONS MANUAL

PROCEDURE III-09

Formerly 027

SELF-SERVE POTENTIALLY HAZARDOUS FOODS

If a retail food store wishes to offer ready to eat potentially hazardous foods on a self-serve basis, they should be informed that they take on added risks and responsibilities and these operations are evaluated on a case by case basis. The parameters used in evaluating these operations include the monitoring of product temperatures, a sanitary method of dispensing the product, and a proper display that will discourage consumers from touching and/or contaminating the product. The display should also be conducive to constant monitoring of these operations by store personnel to insure that utensils and dispensers are properly used and that food is not contaminated by consumers. Equipment and display facilities should be designed, constructed, installed and maintained consistent with good public health principles.

The offering of self-serve raw foods other than **FROZEN SHRIMP & LOBSTER** shall not be allowed. In the case of raw/uncooked frozen shrimp, the product should be displayed in a method that will not contaminate other food products. The product should be displayed high enough to discourage children from touching it and a sanitary scoop should be available to dispense the product. The display equipment should be capable of maintaining the product in a frozen state and should be placed in an area that is conducive to constant monitoring by employees.

All other raw/uncooked potentially hazardous food products shall not be offered for sale as self-service.

FOR REFERENCE ONLY - FOOD CODE 3-306.13

Revised 10-27-99

Edited April 5, 2000

OPERATIONS MANUAL

PROCEDURE III-10
Formerly 026

SINK REQUIREMENTS IN FOOD ESTABLISHMENTS

To help clarify situations where sinks may or may not be required within food establishments, the following guidelines have been developed in order to keep the enforcement of the sink requirements consistent across the state.

GENERAL REQUIREMENTS

Hand sinks and equipment sinks, in sufficient numbers and properly located, are required in any establishment where food products are manufactured, processed or otherwise handled in an unpackaged form. These sinks must be equipped with hot and cold water under pressure. (The size of the food handling/manufacturing operation has nothing to do with whether or not these sinks are required).

EXCEPTIONS:

In meat departments, that handle strictly raw meat products, a separate hand sink is not necessary. The meat department must have an equipment sink supplied with hot and cold water under pressure, and a hand sink with hot and cold water under pressure is within the establishment. This exception applies to existing facilities only and is not intended to exempt new facilities or existing facilities that undergo remodeling; new facilities or existing facilities undergoing remodeling must fully comply with the Retail Food Store Regulations.

A hand sink located in a rest room may be acceptable for use as a processing area hand sink if the following requirements are met. Said sink is to be convenient to the processing area, it is to be properly plumbed with hot and cold water under pressure, and should be available at all times.

EXAMPLES OF CLASSIFICATIONS OF INSPECTIONS

| Problem | Classification |
|--|----------------|
| Hot water not available DISCONTINUE FOOD SERVICE | VAI - 2 weeks |
| Hot water is not available on second visit DISCONTINUE FOOD SERVICE | OAI |
| No multiple compartment equipment sink | VAI - 30 days |
| No multiple compartment equipment sink on second visit | OAI |
| No convenient hand sink to the processing area or restroom | VAI - 30 days |
| No convenient hand sink to the processing area on second visit | OAI |
| No hot water at convenient hand sink | VAI - 30 days |
| No hot water at convenient hand sink on second visit | OAI |
| No hot water at restroom hand sink but another hand sink is convenient to food service and is properly plumbed with hot and cold running water | NAI |
| Equipment sink is present in the existing meat processing area without a hand sink, but there is a hand sink within the establishment | NAI |

NOTE: SUPPLY ALL PERTINENT INFORMATION IN REFERENCE TO THE PLUMBING AND FOOD SERVICE ON THE INSPECTION REPORT TO THE OFFICE.

Monday, July 17, 2000

| Name / Address | Pie Type / Shelf Life / Code | Other Information |
|---|---|--|
| American Products Co., Inc 101741 Miller Rd. Dallas, TX 75236 | Pumpkin Pie, Pecan Pie, Chocolate Chess Pie, Lemon Chess Pie - 5 day shelf life Buttermilk Chess Pie - 3 day shelf life | Labeled "Refrigerate After Purchase" "3 day shelf life" label on pie tin |
| Best Foods Baking Co. 30 Inez Drive Bay Shore, NY 11706 | Entenmann's Deluxe French Cheesecake Entenmann's Pumpkin Pie: 3 day shelf life | Labeled "Sell By" ... pumpkin pie may also be labeled "General Foods Corporation 250 E. 41st St. NY 10625." |
| Blue Bird Baking Company 521 Kiser Street Dayton, OH 45404 | Pre-baked Pumpkin Pies: 22 oz and 32 oz sizes | 3 day shelf life. May also be labeled with "Best Before" or Family Secret Labeled "Refrigerate after opening" |
| Bonerts Slice of Pie 3144 West Adams Street Santa Ana, CA 92704 | Sweet Potato pie and No Sugar Added Pumpkin Pie: 5 day shelf life | <u>NOTE:</u> 8" Egg Custard and 8" Coconut Custard are shelf stable. |
| CGI Desserts, Inc. 5065 Westheimer, Ste. 700 Houston, TX 77056 phone: 713-439-1000 Sold at Food Lion | 7" Layer - 5 day shelf stable Black Forest Cake, Carrot Cake, Sinfully Chocolate, Red Velvet Cake, Coconut Delight, Sinfully White, and Golden Vanilla Cake | <u>CAKES THAT ARE NOT SHELF STABLE</u> Chocolate, Carmel Apple Cheese Tart, Reese's Peanut Butter Cups, Vesuvius. |
| Country Home Bakers 302 28th ., S.E. Grand Rapids, MI 49548 | Pumpkin Pie: 3 day shelf life Sweet Potato Pie: 2 day shelf life (post bake) Note: Both pies sold raw, cooked at store and sold in store containers. Prebaked pumpkin pies: 3 day shelf life | Also sold under Jessie Lord, Read-Bake Labeled "Refrigerate After Opening" on bottom of pie tin |

| | | |
|--|---|---|
| Davis Bakery, Inc. 1600-C Roseneath Road Richmond, VA 23230 | Lemon, Pecan, and Chocolate Fudge Pies | |
| H. C. Brill Co., Inc 1912 Montreal Rd. Tucker, GA 30084 | Ready-to-use Fillings: Bavarian Cream, Lemon, Chocolate, Key Lime, and Powdered Meringue Mix | All fillings are acidified foods <u>NOTE:</u> The meringue mix must be prepared in accordance to the labeled instructions |
| Kyger's Bakery, Inc. 3825 Street Road 38 E. P.O. Box 4731 Lafayette, IN 47903 | Lemon, Banana, Butterscotch, Coconut, and Chocolate Filling and Meringue Pies | |
| M. L. Dessert Corporation T/A Michele's Family Bakery 7746 Dungan Road Philadelphia, PA 19111 | Pre-baked Pumpkin Pie: 3 day shelf life | Side of box has "REG. PENNA. DEPT. AGR (MLD)" and "CONN. LIC. 1662" Pies found mostly in Safeway Stores, Inc in Northern VA |
| Mrs. Smith's Bakeries, Inc. 2900 Flowers Industrial Way Suwanee, GA 30024 | Coconut, Chocolate, and Lemon Meringue Pies Pumpkin Pie and Sweet Potato Pie: coded on bottom of tin "CT3934" Pre-baked Pumpkin pie: 3 day shelf life after thawing | Also sold under Pies, Inc. and Our Special Touch Bakeries, Inc. NOTE: Sweet potato and Pumpkin pies |
| | | |

87 February 18, 2000

| | | |
|---|--|--|
| Pies Incorporated 300 Lake Hazeltine Drive Chaska, MN 55318 | Pumpkin Pie: 3 day shelf life | Must be packaged in Pies, Inc. labeled container |
| Plush Pippin Corporation 21331 88th Place South Kent, Washington 98031 | Pumpkin Pie: 8" pre-baked code -44214 9" pre-baked code -24214 10" pre-baked code -54514 8" un-baked code -43214 9" un-baked code -23214/ 51214 10" unbaked code -58514 Lemon Meringue Pies: 8" pre-baked code -42340 9" pre-baked code -22340 | First five digits on bottom of pie tin are the manufacturer's code 33764. The last five digits are the codes listed to the left of this column. Lemon Meringue and Pumpkin pies have a 4 day shelf life. |
| Rich Products Corporation 1150 Niagara Street Buffalo, NY 14213 | Pumpkin pie: 5 day shelf life 8" pre-baked code -30390 10" pre-baked code -30453 8" un-baked code -04482 10" un-baked code -14760 Buttercreme: 7 day shelf life | Label may not contain Rich Products as manufacturer therefore look for the code listed to the left of this column. |
| Sara Lee Bakery / Country Commons 3727 Ventura Dr. Arlington Heights, IL 60004 | Sweet Potato Pie: 8" un-baked code -5827 10" un-baked code -5870 8" pre-baked code -5826 10" pre-baked code -5834 | All pies will have the following on the bottom of the tin: NPH-AT-3 + four digit number NPH = non potentially hazardous AT = ambient temperature display and sale 3 = shelf life AND the UPC code will display the four digits listed |

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| | | |
|--|--|---|
| | Pumpkin Pie: 8"un-baked code -5302 9"un-baked code -5835 10" un-baked code -5804 8" pre-baked code -5301 10" pre-baked code -5805 8" Pre-baked "no sugar added" Pumpkin Pie: code on bottom of tin NPH-AT-3 0652 | |
| Sarsfield Foods Limited P.O. Box 368 15 Roscoe Drive Kentville, N.S. B4N 3X1 Canada | Pumpkin Pie: 8" ; 24 oz Code 16123 9" ; 37 oz Code 47923 10" ; 44 oz Code 61223 | All pies will have the following on the bottom of the tin: NPH-AT-3 + five digit number NPH = non potentially hazardous AT = ambient temperature display and sale 3 = shelf life |
| Western Country Pies 250 West Crossroads Sq. Salt Lake City, UT 84115 | Pumpkin, Sweet Potato, Lemon Meringue, Chocolate Meringue, Coconut Meringue Pies | Coded with "WCP S/S" on the bottom of tin WCP = firm name S/S = shelf stable |

PRODUCTS, OTHER THAN PIES, THAT HAVE BEEN TESTED
for pH and Aw, or other documentation has been received concerning shelf stability of the product

| | | |
|---------------------------------|-----------------------------------|---|
| Dawn Food Products, Inc. | Ruhl Fondant | Product used as a glaze or an ingredient in icing and contains > 90 sugars pH: 0.79 Aw: Undetermined due to the nature of the product. |
| Unilever (Lipton) | “Country Crock Churnstyle Spread” | Product maybe unrefrigerated, but is labeled with a conservative “Keep Refrigerated” to maintain quality. |

90 February 18, 2000

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FIELD OPERATIONS MANUAL

Procedure III-12
New

FOODS, INCLUDING "PIES" ACCEPTABLE FOR UNREFRIGERATED RETAIL DISPLAY

Some food products and especially pies, e.g. pumpkin, sweet potato, custard type pies etc., traditionally, due to formulation, have been classified as "potentially hazardous" food products requiring refrigeration. However, some manufacturers, again, by formulation, have made their product "shelf stable" and can no longer be considered as potentially hazardous.

For a questionable food product, by any manufacturer, including home operators, to be considered "shelf stable", they must submit the appropriate data to the Food Safety Central Office for review and acceptance. When their product is accepted as "shelf stable", the product will be included in the attached table.

Note: Our agency does not "approve" food products. We only "accept" the product/process.

January 31, 2000

FIELD OPERATIONS MANUAL

PROCEDURE III-13
Formerly 010

COMPLIANCE ACTIONS FOR OUTDATED INFANT FORMULA

Each and every time you find outdated infant formula (or infant formula without an open code date) being offered for sale, list this noncompliance as an objectionable condition on an inspection report indicating both the number of containers involved and the actual dates on the containers. In addition request and witness the voluntary destruction of the violative containers. If the firm refuses to voluntarily destroy the infant formula place it under seizure.

List the pounds destroyed or seized on the data entry section of the inspection report.

Example: Five/13 oz. cans of Similac Infant Formula were observed outdated(1 NOV 98) and being offered for sale on the retail shelf.

REVISED July 1999

FIELD OPERATIONS MANUAL

PROCEDURE III-14
New

RETAIL EGG INSPECTION

The inspection of eggs on the retail level is to be incorporated into your routine inspection of retail establishments. Three lots of eggs will be inspected at each firm, several cartons of each lot. The inspection will consist of temperature check and visual examination of the eggs for checks, loss eggs. (dirty eggs and leakers).

If the eggs are not refrigerated at less than 45 degrees F., you should have the firm refrigerate the eggs immediately.

If you encounter a problem with dirty eggs and/or leakers in excess of 2%, or with checked eggs in excess of 9%, management should be notified and given an opportunity to re-work the eggs.

If this can not be done by the time the inspection is completed, the eggs will have to be seized until the inspector has an opportunity to return to the establishment to re-inspect the eggs. If the firm does not wish to re-work the eggs, the lot should be removed from sale and returned to the processor for re-working. Actual candling of eggs is not necessary except in situations where it could assist in the determining a violation involving check eggs. (i. e. When checks are approaching 10%).

In all instances where violations are encountered, documentation on the Inspection Report should include a description of the violation, the number of dozens of eggs in violation and the producer's name or P-number.

Revised August 99 Edited April 5, 2000

Originally drafted by JAM

FIELD OPERATIONS MANUAL

PROCEDURE III-15
Formerly 015

WILD GAME AND CUSTOM (UNINSPECTED) MEAT PROCESSING

When inspecting any meat processing area you should determine if the meat has been previously inspected. Meat and/or containers that have a USDA plant # or Virginia Meat Inspection #, should be considered as inspected. If this is the case, then treat the inspection like you would any other inspection of a meat processing area.

If you determine that the meat is **uninspected**, you should determine if it is wild game such as, squirrel, opossum, deer, muskrat, beaver, and/or rabbit, etc., or it is meat that falls under jurisdiction of the Wholesome Meat Act such as pork, sheep, goat, horse, cow, and/or poultry.

Any establishment that processes the (non-wild game) uninspected meat should be permitted by State Meat Inspection. "Uninspected meat" processing means the cutting, slicing, grinding, etc. of meat or poultry (non-wild game) that has not been inspected by either USDA or VDACS. ***Establishments can not sell uninspected meats of traditional animals, such as pork, beef, sheep, goat, poultry, and horse.*** (An example of this is Farmer Brown raises his hogs and sets aside one for fattening at the end of the year. After that hog is fattened with grain is is slaughtered. It is then cut, ground, sliced, and packaged the way Farmer Brown wants it at his local store that has a meat department with a custom processing permit from Meat Inspection. When the hog has been totally processed, Farmer Brown comes back to the store and picks up his packages of meat and takes them home for him to use throughout the year. These products are not sold at the firm, but a fee is paid for the actual processing of them.) If you find a firm that is conducting this type of "uninspected meat" processing operations - you should do the following:

1. Ask to see the **custom processing exemption certificate** issued by VDACS Meat Inspection. If they have one, then refer to the MOU between Dairy and Foods and Meat Inspection dated April 24, 1998. It details the inspectional responsibilities between the two offices and is attached.
2. If they do not have one, then advise the owner/operator/manager to contact State Meat Inspection and apply for a permit of exemption, or they can discontinue processing that particular kind of meat. ***The responsibility for contacting State Meat Inspection (804.786.4569) to obtain a permit of exemption lies with the management of the firm.***

The Food Safety Specialist will also report the findings in the Inspection Report.

3. Advise the owner/operator/manager that, when he processes uninspected meat, he must **thoroughly** clean and sanitize all of the equipment (that came in contact with the uninspected meat) prior to using it again to process inspected meat.

In addition to Meat Inspection handling the processing of the traditional meats such as beef, pork, and poultry, they also conduct inspections on some exotic meats **on request** - such as emu, ostrich, and buffalo.

Any establishment that processes wild game such as deer, rabbits, opossums, etc... will fall under the jurisdiction of the Office of Food Safety. (An example of this would be Hunter Jane kills a prize buck deer and not only wants to mount the head, but also wants to get the meat cut into some steaks, roasts, and some ground into burger meat-and then packed for freezing. After she beheads, eviscerates, and removes the hide she takes it to the local market that has a meat department that is inspected by OFS. She leaves the deer and returns to pick up the packed products and pays the butcher for the service. In this situation the butcher is being paid for the service-not for the meat.) The meat is not required to be inspected and the Office of Food Safety (OFS) **cannot prohibit this activity.** Additionally, the processing facility would not have to apply for a permit of exemption since **wild game is not covered by the Wholesome Meat Act.** There are some guidelines that must be adhered to:

1. Advise the owner/operator/manager that, when he/she processes uninspected meat, he/she must thoroughly clean and sanitize all of the equipment (that came in contact with the uninspected meat) prior to using it again to process inspected meat. If this is a facility that utilizes the same processing area for inspected meats - **it should be strongly recommended that the processing of non inspected meats take place at the end of the day, just prior to cleanup.**
2. **Keep in mind that the above mentioned meats may harbor serious communicable diseases, such as tularemia in rabbits, hares, muskrats, beavers and some domestic animals. Caution should be exercised when handling these products.**
3. The actual slaughter (killing, gutting, bleeding, and skinning) of the animals should be done outside of the actual processing area in an area designated as a "kill room" or "kill floor". This processing step will greatly reduce the risk of contamination by bacteria from the guts, feces and hair from the hide.
4. **There is no problem with the facility getting a monetary fee for processing the animals, but generally speaking, it is unlawful**

to sell the actual wildlife (any non-domesticated member of the animal kingdom) meat **EXCEPT** as specifically permitted by law or regulation. The problem is in the exception. It seems there are any number of specific exceptions or authorized avenues for the sale of various wild life species. Some are more far reaching than others. Since this matter is so complex, it is recommended that if you encounter the **SALE** of wild game of any type, you contact a representative of the Virginia Department of Game and Inland Fisheries or the Marine Resources Commission, to determine if the product is "legal" in the first place. Locations and phone numbers of the Department's office are listed below:

To obtain additional information for wild game and fresh water fish:

Generally, fish caught by recreational fishermen can not be sold for retail sale. Only fish caught by fishermen who have a commercial fishing license can sell their catch for resale.

Call 1-800-237-5712

or

E-mail: wildcrime@dgif.state.va.us

When requesting information, be sure to have available the below information in the event a violation has occurred:

What type of activity is taking place?

Where is it taking place-city, county, name of facility?

Who was involved, describing persons(names if known)vehicles (license numbers are crucial)-if applicable, names of other witnesses.

When did it happen (date and time are very important!)

What specific animals are being sold?

Regional Offices

Region I

5806 Mooretown Road
Williamsburg, VA 23188
Phone: (757) 253-7072
Fax: (757) 253-4182

Region II

910 Thomas Jefferson Road
Forest, VA 24551-9223
Phone: (804) 525-7522
Fax: (804) 525-7720

Region III

1796 Highway Sixteen
Marion, VA 24354
Phone: (540) 783-4860
Fax: (540) 783-6115

Region IV

4725 Lee Highway
P.O. Box 996
Verona, VA 24482
Phone: (540) 248-9360
Fax: (540) 248-9399

Region V

1320 Belman Road
Fredericksburg, VA 22401
Phone: (540) 899-4169
Fax: (540) 899-4381

District Offices

Ashland

12108 Washington Highway
Ashland, VA 23005
Phone: (804) 752-5502 (game)
Phone: (804) 752-5503 (Fish.)
Fax: (804) 752-5505

Blacksburg

Draper Aden Building
2206 S. Main Street, Suite C
Blacksburg, VA 24060
Phone: (540) 951-7923
Fax: (540) 951-8011

Charlottesville

900 Natural Resources Drive
Suite 1060
Charlottesville, VA 22903
Phone: (804) 296-4731
Fax: (804) 979-0927

Farmville

HC 6, Box 46
Farmville, VA 23901
Phone: (804) 392-9645
Fax: (804) 392-1415

Suffolk

5268 Godwin Boulevard
Suffolk, VA 23434
Phone: (757) 255-0523
Fax: (757) 255-0626

Vinton

209 East Cleveland Avenue
Vinton, VA 24179
Phone: (540) 857-7704
Fax: (540) 857-7532

To obtain additional information concerning salt water fish and crabs:

Generally, fish caught by recreational fishermen can not be sold for retail sale. Only fish caught by fishermen who have a commercial fishing license can sell their catch for resale.

Marine Resource Commission

2600 Washington Avenue
Newport News, VA 23607-0756
Office Hours: Monday through Friday, 8:15 A.M. - 5:00 P.M.
Main Office (757) 247-2200

V/TDD (757) 247-2292

Information and Emergency Hotline 1-800-541-4646 V/TDD

Revised February 28, 2000

FIELD OPERATIONS MANUAL

Procedure III-16
Formerly 028

PRELIMINARY INSPECTIONS OF PROPOSED WATER BOTTLING SITES

Whenever you are requested to conduct a preliminary inspection of a proposed water bottling operation (i.e. inspection of a spring site for approval/disapproval as a water source) you should first obtain as much information as possible concerning the proposed operation to assure that the operation will be within our area of jurisdiction. If the proposed operation is within our jurisdiction, you should then contact the appropriate Regional Office of the Virginia Department of Health-Office of Water Programs for the particular county where the water source is located (see the attached map). You should arrange a joint visit with the Water Programs engineer to the site of the proposed operation. The Water Programs engineer will make recommendations on whether the site will be acceptable as a water source, and will advise us on source protection (i.e. how to build the spring cistern to prevent surface water contamination, how far down in the ground to place the sides of the spring box to preclude surface water seeping into the supply, should the ground be sloped away from the spring box, etc.). These recommendations are advisory. However, these engineers have the expertise in protection of water sources, and it is unlikely that we would ever seriously modify these recommendations. In addition to these recommendations, the engineers may require that specific tests be performed, some of which may take a considerable amount of time, and they may recommend various treatments for the water supplies to be considered safe.

If it is determined that the site will be unacceptable for water bottling purposes, the person proposing the bottling operation should be informed of this decision. However, if the site is acceptable, the proposed operator should be informed of what modifications are necessary to properly protect the water source, and recommendations should be made for setting up the water bottling operation in compliance with the Virginia Food Laws and applicable regulations. To that end, you should review and leave with the operator CFR Parts 110, 129 and 165. Part 110 addresses good manufacturing practices, Part 129 addresses the construction of the water bottling operation and Part 165 deals with water quality standards. (Copies of these parts can be obtained from the office; in many cases, copies of these parts will have already been mailed to the proposed operators).

If the proposed site needs modification to be acceptable for bottling purposes, a water sample need not be taken until the modifications have been completed (it makes no sense to collect a sample of water for bacteriological analysis from an unprotected source). If the site does not need modification, a sample should be

collected by the firm to determine the quality of water prior to treatment.

As with any visit, a memorandum should be completed to fully document these meetings and any recommendations that you make.

Edited January 30, 2001

FIELD OPERATIONS MANUAL

Procedure III-17
New

Notice of Seizure

A Food Safety Specialist should only issue seizure notices when it becomes necessary to hold a suspect food product for further investigation. Examples:

- 1) Seizure can be used to hold food pending laboratory analysis.
- 2) Seizure can be used to hold food for other agencies until they have time to take action.
- 3) Seizure can be used to hold food that has been in a disaster until it can be salvaged or destroyed.
- 4) Seizure can be used to detain food when shipping product to another state for salvage purposes.

The original copy of the seizure notice should be left with person in charge of the operation. A copy should be sent to the office and the Food Safety Specialist should retain a copy for his/her files.

In conjunction with the issuance of the seizure notice (or release notice) an Inspection Report must also be completed, documenting the situation. When filling out the Inspection Report make sure to put in the data entry section that the product was seized or released and the amount.

THE SEIZURE FOR SHOULD BE FILLED OUT ACCORDINGLY:

Date: Date the seizure was made.

Issued to: Person in charge of operation.

Firm: Name of establishment.

Address: Address of establishment.

Product: Name of the product seized. The product code should be recorded here, if practical.

Amount: Amount in pounds.

Manufacturer: Name of the manufacturer.

Address: Address of the manufacturer.

Reason for Seizure: (Example: The corn being ground contained rodent pellets.)

Remarks: The following statement should be typed in this section if it is not preprinted: **THIS PRODUCT IS NOT TO BE MOVED, SOLD, OR DESTROYED UNTIL RELEASED IN WRITING BY A REPRESENTATIVE OF THE VDACS FOOD SAFETY PROGRAM.**

Also, any samples taken should be typed in this section.

Receipt Acknowledged By: The name and title of the most responsible person involved in the operation. This information should be typed and the person should sign it.

NOTE: The refusal of the firm representative to sign the form does not negate the seizure. The referenced products are still under seizure.

Food Safety Specialist: The Food Safety Specialist name should be typed and then signed.

If the product has to be released, a "Release" form will be filled out. This form is identical to the "Seizure" form and should be filled out using above information. The "Reason" section should state the reason for the release. (Example: Laboratory analysis reveals that the product complies with the Virginia Food Laws. This product is released from seizure.)

If the products seized are found to be in violation of the Virginia Food Laws they need to be destroyed or denatured. In this case an Inspection Report will be filled out stating that the products were voluntarily destroyed or denatured. (See FOM 1-08, Use of the Inspection Report, the section titled "When Used As A Memo For Visits"). A Notice of Release need not be filled out as the Inspection Report serves as a release.

The power to seize food products on our own initiative without recourse to the courts is unusual. Few agencies have this amount of power. Therefore, you should exercise this option judiciously. Only seize product which you have good reason to believe is contrary to the law. Be able to support your reasons with logical facts. Once you have satisfied yourself that you are justified, proceed.

As a general rule of thumb you must sample any products that you seize. Exceptions would be in instances where the damage to the product is so noticeable any reasonable person would conclude the product is unfit for food or where large lots are involved and you must hold the product until you can return to supervise salvage operations such as a disaster. During your training you will be exposed to situations that will give you a feel for when to sample and when not to. If you encounter situations where you have doubts discuss your options with your Field Supervisor.

When you do sample seized products please list the sample

number(s) in the remarks section of the seizure notice. Also, on the Collection Report type **PRODUCT UNDER SEIZURE** in the 'customer notes' section.

Issued new August 16, 2001

FIELD OPERATIONS MANUAL

Procedure III-19

NEW

FOOD LABELING GUIDE

Introduction

The VDACS-Food Safety Program is responsible for assuring that foods sold in Virginia are safe, wholesome and properly labeled. The purpose of our labeling program is twofold, to prevent the economic deception of the consumer and to provide the consumer the necessary information to make an informed choice. Food manufacturers (including home operations) must provide full and complete labeling.

It is impractical in this guide to address every food label question that might arise. When you encounter a problem you may submit a label to the Regional office for review, call the office if immediate assistance is needed, or check the FDA computer web site at:

www.cfsan.fda.gov/dms/lab-cat.html

The following Food Label requirements must be met in accordance with FDA Code of Federal Regulations and Virginia Food Laws 3.1-396 (e):

A) Identity Statement (Name of food) – 21 CFR 101.3

- Must be on principal display panel (front of container)
- Must be an accurate description of product (common or usual name)
- Must be one of the principal features on the label (prominent on the label)
- If sold in optional forms (whole., sliced, etc.) must be part of identity statement or visible through container
- Must be LARGEST TYPE on principal display panel

B) Ingredient Statement - 21 CFR 101.4

- **Required if food is fabricated from 2 or more ingredients.**
- Must be declared by common or usual name (ie: sugar instead of sucrose)
- Colorings, Additives, Preservatives must be declared (common or usual name)
- Must be in descending order of predominance by weight.
- Type size must be at least 1/16 of an inch.
- May be on principal display or information panel.
- Ingredients that are fabricated from 2 or more sub components must list the sub-components.

****Allergens - A complete breakdown of ingredients will be necessary if the product contains an allergen (such as peanuts, tree nuts, milk, soy, shellfish, fish, and wheat).**

C) Net Weight /Quantity of Contents – All inspection reports should contain the following statement:

For information on the declaration of the net weight or content, please contact the Department of Weights & Measures at 804/786-2476.

D) Name & Address of Manufacturer, Packer or Distributor – CFR 101.5

- May be on principal display panel or information panel.
- Must be conspicuous.
- Unless the name given is the actual manufacturer it must be accompanied by a qualifying phrase. For example: “manufactured for” or “distributed by.”
- Street address if the firm’s name/address are not listed in a current city directory or telephone book.
- City or town, state and zip code.

LABELING OF SPECIFIC FOOD PRODUCTS

Eggs – See Virginia Egg Law

- All egg cases or retail containers in which eggs are kept for the purpose of sale, or offered or exposed for sale shall be marked (labeled) according to one of the grades and sizes, or marked ungraded.
- The labeling shall appear on the principal display panel of the package.
- The retail containers shall bear the name and address of the packer or distributor when the eggs are kept, offered, or exposed for sale or sold at any place other than on the premises where packed.
- The grade and size, or ungraded status shall be spelled out in full.
- When loose eggs are on display for sale, a sign shall be attached showing the grade and size, or the ungraded status, in plain view to the public.
- Safe Handling Statement - Effective September 4, 2001 all shell eggs that have not been treated to destroy salmonella must bear the following statement:

SAFE HANDLING INSTRUCTIONS: To prevent the illness from bacteria; keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly. Statement must appear on the principal display panel (PDP), information panel, or inside portion (top lid) of egg carton.

Ground Beef

If the firm elects to voluntarily put a sell-by date on any packaged meat, poultry or seafood product they **can not** remove, alter, destroy or obscure the original sell-by date. If the product is repackaged, the replacement label shall bear the original sell-by date. One note, this does not apply to meat, seafood or poultry that is canned or cured.

When qualifying terms (ie: lean, extra lean, premium,...) are used in the advertising/labeling of ground beef products it is necessary to state the maximum %fat in the product. This information can either be stated on the product label or on a placard in reasonable proximity to the ground beef display.

Apples - See Virginia Apple Law

Marking (labeling) – Each closed package shall be marked in a conspicuous manner on the outside thereof, or upon a durable stuffer placed within, but readily readable from the outside, with the information hereafter listed:

- The correct size of apples;
- The minimum quantity of apples;
- The correct variety or varieties of apples;
- The official grade of apples; and
- The name and address of the grower or packer.

Organically Grown Foods

For information regarding Organic Food Labeling and/or 3rd party certification please contact Tom Smith @804/786-3549.

Sell-By dates on packages

With the exception of infant formula and fluid milk products, the Virginia Food Laws do not require sell-by dates on food products. This is a voluntary practice utilized by industry as a means to maintain product quality. **Product dating is a food quality issue not a food safety issue.** As long as the product is wholesome and fit for human consumption it can be sold regardless of the product date.

Issued new March 8, 2002

NEW

Nutrition Labeling and Education Act – (NLEA)

The Nutrition Labeling and Education Act requires most foods to bear nutritional labeling and requires food labels that bear nutrient content claims and certain health messages to comply with specific requirements. Suggest firms interested in NLEA contact FDA at:

**Office of Food Labeling
HFS-810
Food and Drug Administration
5100 Paint Branch Parkway
College Park, MD 20740
301/436-2373**

Nutrition Facts Panel 21 CFR 101.9 (d)

May be placed on Principal Display Panel or Information Panel and must meet specific requirements.

Mandatory Nutrients Needed on Nutrition Facts Panel 21 CFR 101.9 (d) (7) (ii) -

- | | |
|-----------------------|---------------------|
| Calories | - Calories from Fat |
| - Total Fat | - Saturated Fat |
| - Cholesterol | - Sodium |
| - Total Carbohydrates | - Dietary Fiber |
| - Sugars | - Protein |
| - Vitamin A | - Vitamin C |
| - Calcium | - Iron |

Percent Daily Values (DV) based on a 2,000 calorie diet
(not required on foods for children less than 4 years of age)

Voluntary Nutrients

- | | |
|----------------------------------|-----------------------|
| - Calories from Saturated Fat, | - Monounsaturated Fat |
| - Polyunsaturated Fat, Potassium | - Soluble Fiber |
| - Insoluble Fiber | - Sugar Alcohol |
| - Other Carbohydrates. | |

Serving Size 21 CFR 101.12

- 1) Based on Reference Amounts
- 2) Common Household Measurements
- 3) Discrete Units.

Nutrition Label Formats 21 CFR 101.9

Several different formats can be used and is based on available package space and size of package.

Nutrient Claims – Must be approved by FDA & Listed Below

If a nutrient content, health or implied claim is made on a label then Nutritional Labeling

is mandatory and the firm loses their exemption. A claim directly or by implication characterizes the level of a nutrient in the food (ie: lowfat).

Nutrient Content Claims – General Requirements 21 CFR 101.54 (a)

- Calories - 21 CFR 101.60
- Sodium - 21 CFR 101.61
- Fat, Fatty Acids - 21 CFR 101.62 (b)
- Fatty Acids - 21 CFR 101.62 (c)
- Cholesterol - 21 CFR 101.62 (d)

Core Descriptors (Approved by FDA)

- High – 21 CFR 101.54 (b)
- Fiber - 21 CFR 101.54 (d)
- Lean - 21 CFR 101.62 (5) (e)
- Reduced/Less - 21 CFR 101.62 (4)
- More/Added - 21 CFR 101.54 (e)
- High Potency - 21 CFR 101.54 (f)
- Good Source - 21 CFR 101.54 (c)
- Low - 21 CFR 101.62 (b) (2)
- Extra Lean - 21 CFR 101.62 (5)(e)
- No Fat - 101.62 (b)
- Light/Lite – 21 CFR 101.56

Synonyms For Core Descriptors (Approved by FDA)

- Free – No, zero, without, trivial source of, insignificant source of, negligible source of
- Low – Little (few for calories), contains a small amount of, low source of
- High – Rich in, Excellent Source of
- Good Source – Contains, Provides

****Please note: Companies that manufactured/processed foods under brand names that used terms that were undefined prior to 10/25/89 are exempt and allowed to use those undefined terms (ex – Diet Coke - Diet is not on the list approved by FDA)****

Health Claims General Requirements - 21 CFR 101.14

Authorized by Regulation 21 CFR 101.71

- Dietary Saturated Fat & Cholesterol and Coronary Heart Disease 21 CFR 101.75
- Dietary Fat and Cancer - 21 CFR 101.73
- Sodium and Hypertension – 21 CFR 101.74
- Calcium and Osteoporosis - 21 CFR 101.72
- Sugar Alcohols and Dental caries – 21 CFR 101.80
- Soy protein and Coronary Heart Disease (CHD)
- Soluble Fiber from whole oats or psyllium and CHD – 21 CFR 101.81
- Fruits, Vegetables, and Grain Products for cancer - 21 CFR 101.76
- Fruits, Vegetables, and Grain Products for CHD – 21 CFR 101.77
- Folate and Neural Tube Defects - 21 CFR 101.79
- Sterol/stanol esters and Coronary Heart Disease (**TENTATIVE – Interim Rule**)

Implied Claims - 21 CFR 101.65

An implied claim is one that suggests that a nutrient or ingredient is absent or present in a certain amount or claims about a food that suggests a food may be useful in maintaining healthy dietary practices. The requirements for labels with health symbols (vignettes) is considered the same as making an implied claim (EX. - heart shape symbol).

Exemptions to Nutritional Labeling - 21 CFR Part 101.9 (j)

These exemptions deal only with the necessity of having the "Nutrition Facts" panel, and has no effect on the mandatory labeling information (i.e., common name of product, net contents, ingredient statement, name and address of responsible firm).

EXCEPTION - If any nutrient content claim (e.g., "low fat") or health claim is made, the exemption is not applicable.

Automatic Exemption

Establishments **are not required to apply/file for a Small Business Exemption** if they have less than < 10,000 units sold and less than < 10 employees.

Small Business Food Labeling Exemptions

Under 21 CFR 101.9(j)(1), a business may be exempt from the requirement of including a "Nutrition Facts" panel on its food packages. This exemption is based on number of employees and number of product units sold.

Currently, a business must apply with FDA for a Small Business Exemption.

The exemption includes businesses with fewer than 100 employees and annual sales of less than 100,000 units. No exemption may be taken if a company has more than the number of employees listed regardless of number of units produced.

The exemption also applies to retailers with annual gross sales of less than \$500,000, or with annual gross sales of food to consumers of less than \$50,000. The number of employees is based on the average number of full time equivalent employees.

- 1) A "product" is a food with the same brand name and statement of identity.
- 2) A "unit" is a package or, if unpacked, the form in which the product is offered for sale.
- 3) "Company" includes domestic and international affiliates.

Businesses must file an annual notice with FDA that they are claiming an exemption based on number of employees and units of product. The web site available to find information regarding Small Business Exemptions and the necessary forms is:
www.cfsan.fda.gov/dms/sbel.html

Other Exemptions - Nutritional Labeling - 21 CFR Part 101.9 (j)

Foods served for immediate consumption.

- 1) Restaurants, delis, bakeries, etc. with facilities for immediate consumption.
 - a) Situations where food is consumed immediately or while customer walking away.

- b) Ready-to-eat foods not for immediate consumption.
- c) Primarily prepared on-site.
- d) Not offered for sale outside that location.

Probably the biggest area of concern will be in deciding whether a R-T-E food not for immediate consumption was primarily processed/prepared on-site.

Administratively, it is impossible to identify each type of food sold and the exact amount of processing or preparation that would be needed to say that the food was “processed and prepared primarily” on site. Circumstances at the retail level must be the deciding factor.

To provide guidance in this area:

When food is processed or prepared (including portioning) primarily on premises and sold there, as in the prepared food sections of supermarkets, nutritional labeling is not required. Therefore, nutritional labeling would not be required on bread that is shaped, filled, decorated, assembled or customized and baked in the retail establishment. Cheese that is sliced and portioned according to directions given by the consumer and pudding that is portioned according to directions given by the consumer need not be nutrition labeled.

Conversely, if the food arrives at a store in a form to be sold directly to the consumer (ie: it is standardized) then nutritional labeling must be required. In this situation, preparation or processing of the food is accomplished primarily at another establishment and the same food is then shipped to a retail food store in a form that requires minimal or no further processing (ie: thawing the product).

Donated foods- NLEA covers “food offered for sale” only.

Foods shipped in bulk form – 21 CFR 101 .24, 101.100

- 1) Used in the manufacture of other foods.
- 2) To be processed, labeled, or repacked at another site.

Raw fruit, vegetable and fish - 21 CFR 101.42, 101.43, 101.44, 101.45

- 1) Voluntary nutrition labeling program.

Nutritional Labeling of Dietary supplements - 21 CFR 101.36

- 1) Require Supplement Facts Panel.

Foods of no nutritional significance (ex: coffee beans, tea leaves) 21 CFR 101.100

- 1) All nutrients must be at a level that allows a declaration of “zero”.
- 2) Incidental Additives.
 - A) Incidental additives are substances that have no technical or functional effect but are present in a food by reason of having been incorporated into the food as an ingredient of another food, in which the substance did have a functional or technical effect.
- 3) Processing Aids.
 - A) Substances that are added to a food during the processing of such food but are

removed in some manner from the food before it is packaged in its finished form.

B) Substances that are added to a food during processing, are converted into constituents normally present in the food, and do not significantly increase the amount of the constituents naturally found in the food.

C) Substances that are added to a food for their technical or functional effect in the processing but are present in the finished food at insignificant levels and do not have any technical or functional effect in that food. (iii) Substances migrating to food from equipment or packaging or otherwise affecting food that are not food additives.

Issued new March 8, 2002

Field Operations Manual

Procedure III-21
New

Time as a Public Health Control

NOTE: It is important that this method **not be solicited openly** to food establishments. It should be **limited** to those firms that will act responsibly and limited to certain types of foods, for example sliced pizza or potentially hazardous ethnic foods that are customarily served at room temperature. **This procedure should NOT be used in place of malfunctioning hot cases or heat lamps.**

The following would be required for an establishment to use time as a public health control for potentially hazardous foods:

1. The establishment must **submit a detailed written plan** to your regional manager for approval. A copy of this approved procedure must be kept and followed in each establishment. In addition, written charts/logs of the date and time the food was removed from temperature control and the time they were removed from sale and destroyed must be maintained.
2. Each packaged unit or tray of food offered for sale at room temperature must be marked with the date and time that the product is removed from temperature control and the date and time that the product is to be pulled and thrown away, which is not to exceed 4 hours from the time the product was removed from temperature control. **It is important that all food meet the proper cooking temperature specific for that food PRIOR to being removed from temperature control.**
3. Once the unsold portions of food have exceeded the 4-hour time limit, they must be discarded.

Special Circumstances

If one firm (*Firm A*) plans to manufacture/process a food item and deliver it to another firm (*Firm B*) to be sold, the following guidelines must be met:

1. *Firm A* must cook the product and allow it to reach the proper temperature, label each packaged unit or tray of food with the date and time that the product was removed from temperature control and with the date and time the product is to be removed from sale by *Firm B*, which is not to exceed 4 hours from the time the product was removed from temperature control.
2. *Firm B* must remove the packaged units or trays of food from sale at the time indicated on the label (no more than 4 hours after the food was removed from temperature control) and discard them.

3. A written procedure and charts/logs of the date and time the food was removed from temperature control and the date and time the food should be discarded must still be maintained at *Firm A*. In addition, *Firm B* should maintain a chart/log of the date and time the food is received from *Firm A*, the date and time the food was removed from temperature control, and the date and time the food should be discarded (the latter two should be already be provided on the label by *Firm A*).

Issued new March 8, 2002

FIELD OPERATIONS MANUAL

PROCEDURE IV-03

Formerly 033

WATER SAMPLING

The following procedure will be used in the collection of water samples from private water supplies:

1. One sample every two (2) years will be collected from firms with private water supplies after a history of good samples, i.e. three (3) consecutive "NAI" samples (over a period of three (3) years).
2. Once it has been established that the firm is operating with a potable water supply the firm may have the option of providing an annual private laboratory analysis that verifies the continuing potability of their water supply.
3. If the analysis of a water sample is positive (+) for coliform and negative (-) for fecal use the following procedure:
 - a. An informational letter will be sent to the firm from the office and the firm will be rescheduled for an inspection and a follow-up water sample in 4 months.
 - b. If the 4 month follow-up water sample is NAI then the firm will be placed on a yearly sampling schedule.
 - c. If the 4 month follow-up water sample is violative then a 2nd informational letter will be sent and the firm will be rescheduled for an inspection and a follow-up water sample in 4 months.
 - d. If the 2nd follow-up water sample is NAI then the firm will be placed on a yearly water sampling schedule.
 - e. If the 2nd follow-up (3rd sample) is violative a letter will be sent to the firm stating that they must discontinue the food processing.
4. If the analysis of a water sample is positive (+) for coliform and positive (+) for fecal use the following procedure:

- a. An informational letter will be sent to the firm from the office. Return to the firm within 30 working days to do a follow-up sample.
- b. If the follow-up sample analysis is again (+) coliform and (+) fecal then repeat 3a.
- c. If the 2nd follow-up (3rd sample) is adulterated then a letter will be sent to the firm to discontinue the food processing.

March 3, 2000

FIELD OPERATIONS MANUAL

PROCEDURE IV-04
Formerly 019

COLLECTION RODENT DEFILED PRODUCTS

Hantavirus is a virus that is shed in saliva, urine and feces of rodents and is transmitted to humans primarily via aerosols. Therefore, precautions should be taken when collecting evidence involving rodent defiled products.

- 0.1 Minimize or eliminate direct contact when collecting these samples.
- 0.2 Double bag these samples and write "RODENT DEFILED" on the bag. **(DO NOT COLLECT DEAD RODENTS OR RODENT EXCRETA PELLETS, E.G. DROPPINGS)**
- 0.3 Clearly indicate on the collection report that the product is rodent defiled.
- 0.4 Thoroughly wash hands after collecting samples.

Also, make sure that during an inspection that you minimize your exposure when rodents are in closed, confined spaces.

July 99

FIELD OPERATIONS MANUAL

PROCEDURE IV-05
Formerly 016

SUB-SAMPLING

Sub-sampling is the method by which we can sample a large lot and have a congruent sample all under one collection number.

The instances where we can use this technique are:

(1) When we are taking a representative sample from a large lot of the same code and we must sample several containers. Examples would be taking a sample from a large lot of canned tomatoes or taking a sample from a large number of 25 pound bags of flour.

(2) When we are taking a sample from a production line at varying time intervals to obtain a representative sample of a certain batch or production run. Examples would be taking a sample at 10 minute intervals from a soft drink bottling line or taking a 2 pound sample of flour from the bagging chute every 15 minutes during a batch run at a flour mill.

When identifying the sub-samples, use the sample number and then the appropriate letter of the alphabet. For example, say that we were sampling cola drinks at time intervals from the production line. The sample is to be taken in three parts. The first three bottles taken off the line would be marked as sample #31234 A, ten minutes later, the next three bottles taken would be marked sample #31234 B, ten minutes later, the next three bottles taken would be marked sample #31234 C and so on until a representative sample was collected. The same procedure would apply when sampling a large lot of canned foods in cases. At random, throughout the lot, select certain cases from which to pull the sample. The first cans selected from a case would be identified with the sample number and the sub-sample designation A, the cans selected from the second case would be identified with the sample number and the sub-sample designation B. The sub-samples would proceed sequentially until a representative sample was obtained. Completely document your sub-sampling with all pertinent information on the collection report.

Sub-sampling can be a useful technique when used appropriately. However, there are a number of instances where we would not want to use this technique:

(1) When sampling a number of different products which may have been rodent or insect defiled because of a current problem in the establishment.

(2) When sampling different codes of the same product.

- (3) When taking samples of a compounded product during different stages of its manufacture. For example, say we were collecting samples of breaded shrimp during its manufacture. We would not include the raw ingredients, the shrimp, the batter, the shrimp during different stages of breading, and the final product all under one sample number. We would use different sample numbers for the different stages of production and the different ingredients used.

In all of the above instances, separate sample numbers and collection reports is the best method.

Revised July 99

FIELD OPERATIONS MANUAL

PROCEDURE IV-06
Formerly 014

FOLLOWING-UP ADULTERATED SAMPLES

When you receive a copy of a letter advising a firm that a sample you collected was adulterated, you should return to the firm within ten working days from receipt of the letter of warning (LOW) and/or sample results and take the following action against any remaining product from that lot:

- 1) If the product was adulterated, ask the firm to voluntarily destroy or denature the remaining product from the lot you sampled. If the firm refuses to voluntarily destroy or denature the product, place the product under seizure.

The above action assume that there will be some of the product remaining when you return to the firm. This will not always be the case, but, even if none of the violative product remains, you will still have a job to do when you return to the firm.

Whether or not the firm has any remaining violative product when you return, you should attempt to collect a follow-up sample of the same product from a different lot. On your collection report you should state that the sample is a follow-up and that the previous sample revealed _____. (Filling in the blank with whatever the problem was before.)

You should not seize other lots of the product, unless you are directed to do so by the Food Safety Office.

NOTE: THIS PROCEDURE DOES NOT APPLY TO WATER SAMPLES

Revised July 99

FIELD OPERATIONS MANUAL

PROCEDURE IV-07

Formerly OO9

COMPLAINT SAMPLING

Whenever you are collecting an official sample as the result of a consumer complaint, be sure to include the following information in the "Customer Notes" section of the collection report:

- 1 1) The complainant's name. Add full address if consumer reply
2 is requested.
- 2) A brief explanation of the problem the complainant encountered.
- 3) If a reply is requested use the term **ACONSUMER REPLY@** in bold type or highlight it.

EXAMPLE: John Doe(110 Main Street, Winchester, VA 23111) found mold in his soft drink. **CONSUMER REPLY** (if requested by the consumer).

Revised November 17, 1999

FIELD OPERATIONS MANUAL

PROCEDURE IV-08

Fomerly 007

SAMPLING PROCEDURE GUIDELINES

The below information supercedes the subject in the Inspector's Manual.

There is no question that sampling is an extremely important aspect of the Food Safety Program. An explanation of terms is necessary so that our Food Safety Specialist better understand the requirements. Common sense and circumstances will, of course, dictate variations of the below information. Every condition can not be covered and is not intended to be a substitute for the individual Food Safety Specialist's sound judgement.

The **minimal sample size** is the amount of product that the lab **desires** for a specific analysis. A smaller sample size is acceptable, if that is all that is available.

A **representative sample size** is what is generally desired to adequately document, for legal purposes, a specific condition or adulteration. A larger or even smaller sample size may, again, be dictated by common sense and circumstances. The minimal sample size is not necessarily a representative sample.

Further questions regarding sampling and/or sample size should be directed to your Regional Manager or Field Supervisor.

SAMPLING GUIDELINE TABLE

The below listed are commonly sampled commodities, codes and the recommended minimal sample sizes used in the sampling program. Samples involving less than the minium amount, can still be submitted when that it is all that is available. A more detailed list is in your laboratory analysis catalog. The minimal sample size is NOT necessarily a representative sample.

Any sample collected for analysis should be REPRESENTATIVE of the available lot size of the product being analyzed. Generally speaking, a REPRESENTATIVE sample size is as follows:

RETAIL: The square root of the available lot, NOT TO EXCEED 5 units.

MANUFACTURERS: The square root of the available lot, NOT TO EXCEED 24 units.

A "calculator" is available ¹²⁵on your computer and the icon is

located on the task bar.

A food product collected for multiple analysis, must be in separate units, e.g. ground beef for filth, fat and bacti, must be in three (3) separate units (packages). The laboratory will not share a unit/package for separate analysis.

The VIRGINIA FOOD LAWS also contain information regarding sampling and each Food Safety Specialist must be knowledgeable of those requirements.

| ANALYSIS PRODUCT | CODE 226 | MINIMAL SAMPLE SIZE | CONTAINER | NOTES |
|--|------------------|--|-------------------|---|
| 0157 H7 in Foods | 74 XMECOLIH7 | 1 pound | Packaging as sold | |
| Adulteration confirmation | 101 FC CONF | 1 pound | Packaging as sold | Includes tampering and SERVICE SAMPLES |
| Aflatoxin Screen (CHARM) | 115 FLAFYAGIA | 10 - Whole grains; 1 pound for ground grains | Packaging as sold | All routine aflatoxin samples |
| Analysis undetermined. Used when the lab will assist to determine what analysis will be done. | 72 FCCALL | | | PRIOR APPROVAL REQUIRED. Call your regional Manager or Field Supervisor. |
| Authenticity - Honey | 52 FCAUHON | 16 ounces | Packaging as sold | |
| Bacterial - Soft drinks | 57 XMSOFTDR | 12 ounces | Packaging as sold | |
| Bacterial - Food | 56 XMREGFD | 1 pound | Packaging as sold | Routine food bacterial analysis |
| Bacterial - Water, bottled | 108 XMH2O | 16 ounces | Packaging as sold | Includes total plate count (TPC) |
| Bacterial - Canned Foods | 59 XMCANFD | 1 pound Can size | Packaging as sold | |
| Excreta (rodent) - in foods | 100 FCEXCRETA | 1 pound | Packaging as sold | Rodent contamination |
| Fat in meats | 55 FATMEAT | 1 pound | Packaging as sold | |

| | | | | |
|--|------------------|---|-------------------|---|
| Filth -Heavy - foods | 24 FCFHEAVY | 1 pound | Packaging as sold | Sand, glass, metal |
| Filth - Beverages | 29 FCFBEVSOL | 12 ounces | Packaging as sold | |
| Filth - Ground meats | 27 FCFGDMET | 1 pound | Packaging as sold | |
| Filth - Peas, beans, grains, popcorn | 75 FCFUNPOP | 1 pound | Packaging as sold | Not for cornmeal |
| Filth - Fish | 35 FCFFISH | 1 pound | Packaging as sold | Includes parasites and canned seafood |
| Filth - Canned mixed vegetables | 33 FCFCNVEG | 1 pound | Packaging as sold | |
| Filth - Canned leafy vegetables | 85 FCFLEVEG | 1 pound | Packaging as sold | Frozen vegetables included |
| Filth - Ice | 45 FCFICE | 5 - 8 pounds | Packaging as sold | Must be kept frozen - use dry ice |
| Filth - Baked goods | 25 FCFBAKGD | 1 pound | Packaging as sold | |
| Histamine - foods | 17 FCHIST | 1 pound Minimum of 100 G (~4 ounces) | Packaging as sold | Not for shellfish. Most likely in Tuna |
| Organoleptic - Foods | 51 FCORGANO | 16 ounces | Packaging as sold | May also include service samples |
| Pesticide - fruits & vegetables | 1 PRFRVEG | 500 g | Not applicable | |
| Pesticide - Fish | 2 PRFISH | 500 g | Packaging as sold | |
| pH in Foods | 98 FCFPH | 1 pound | Packaging as sold | |
| pH & Aw in foods | 23 FCPHAW | 1 pound | Packaging as sold | |
| Species - Meats | 20 FCSPECIES | 1 pound | Packaging as sold | |
| Water - Coliform | 116 MWACOLIPA | 100 ml | DCLS bottle | Routine well water samples |

PRIORITIES:

| CODE NUMBER | NOTES | COMMENTS |
|--------------------|------------------------------|---------------------------|
| 7 | Normal priority | Routine |
| 6 | Move ahead of other routines | Prior approval required * |

| | | |
|----------|----------------------------------|--|
| 5 | <i>Move ahead of all others</i> | <i>Prior approval required *</i> |
| 4 | <i>Seven (7) day turn around</i> | <i>Prior approval required *</i> |
| 1 | <i>Emergency code</i> | <i>Prior approval mandatory *</i> |

** Prior approval required from your Regional Manager or Field Supervisor. **Code number 1 will only be used when directed by the a Regional Manager or the Central Office in Richmond.***

January 27, 2000 Edited April 5, 2000

FIELD OPERATIONS MANUAL

PROCEDURE IV-09
Formerly 006

DOCUMENTING THE SEALING OF A SAMPLE

Section 3.1-405 of the Virginia Food Laws requires that all samples be marked and/or sealed in the presence of at least one witness. In order to document this, it is necessary that at least one employee of the firm you're collecting the sample from actually see you seal and/or mark (identify) the sample. The person signing the inspection report must also initial the bottom line verifying they witness the collection, marking and sealing of the sample. This will then serve as a permanent record of our having complied with the requirements of Section 3.1-405.

ALL SAMPLES EXCEPT HERMETICALLY SEALED CANS MUST BE OFFICIALLY SEALED AND IDENTIFIED. HERMETICALLY SEALED CANS NEED ONLY BE OFFICIALLY IDENTIFIED.

Revised July 99

